

**ACCESSING WORKERS' COMPENSATION
INSURANCE FOR CONSUMER-EMPLOYED
PERSONAL ASSISTANCE SERVICE WORKERS:
Issues, Challenges and Promising Practices**

TABLES

Table 1: Workers' Compensation Laws And Coverage Requirements For Domestic Service Employment By Jurisdiction

Jurisdiction	Workers' Compensation Law Citation	Type of Law Compulsory or Elective	Extent of Compulsory Coverage for Domestic Service Employers	If Exempt, Can Domestic Service Employer Voluntarily Provide Coverage?
AL	Code of Alabama 1975- Articles 1-13, Sections 25-5-1 – 25-5-340	Compulsory	Exempt	Yes
AK	Chapter 23.30- Alaska Labor and Workers' Compensation	Compulsory	Any domestic worker except part-time babysitters, cleaning persons, harvest help, and similar part-time or transient help.	Yes
AZ	Arizona Revised Statutes- Title 23, Chapter 6, Article 1, Scope of WC Section 900	Compulsory	Exempt	Yes
AR	Title 11, Labor and Relations, Chapter 9	Compulsory	Exempt	Yes
CA	Division 4, Sections 3200-6208 of the California Labor Code	Compulsory	Any domestic workers, including one who cares for an supervises children, employed 52 hours or more, or who earned \$100 or more, during 90 calendar days exposing such worker to the hazards of an occupational disease. Excludes workers employed by a parent, spouse or child.	Yes
CO	Title 8, Articles 14.5, 40-47 & 55 of the Colorado Revised Statutes	Compulsory	Any domestic worker employed 40 or more hours per week or five or more days per week by one employer.	Yes
CT	Chapter 568, Sections 31-275 through 31-355a- Connecticut General Statutes	Compulsory	Any domestic worker employed more than 26 hours per week by one employer.	Yes
DE	Title 19, Chapter 23- Delaware Code	Compulsory	Any household worker who earns \$750 or more in any three-month period from a single private home or household.	Yes

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DC	D.C. Law 3-77	Compulsory	Domestic workers employed by the same employer at least 240 hours during a calendar year.	Yes
FL	Title XXXI, Chapter 440-Florida Statutes	Compulsory	Exempt	Yes
GA	Title 34, Chapter 9 of the Unannotated Georgia Code	Compulsory	Any employer, including those that engage inside domestic service workers employing three (3) or more full or part-time workers.	Yes
HI	Chapter 386 of the Hawaii Revised Statutes, Workers' Compensation Law	Compulsory	Any worker employed solely for personal, family or household purposes whose wages are \$225 or more during the current calendar quarter and during each completed calendar quarter of the preceding 12-month period.	Yes
ID	Title 72, Chapters 1-8 of the Idaho Code	Compulsory	Exempt	Yes
IL	820 ILCS 305	Compulsory	Any worker or workers employed for a total of 40 or more hours per week for a period of 13 or more weeks during a calendar year by any household or residence.	Yes
IN	Title 22, Article 3 of the Indiana Code – Workers' Compensation Act	Compulsory	Exempt	Yes

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IA	Chapter 85 of the Iowa Code – Workers' Compensation	Compulsory	Any employee working in or about a private dwelling (who is not a regular household member) whose earnings are \$1,500 or more during the 12 consecutive months prior to an injury. Workers who are either a spouse of the employer or relatives of either the employer or spouse residing on the premises of the employer are exempt.	Yes
KS	Chapter 44, Article 5 of the Kansas Statutes	Compulsory	Any domestic worker if the employer had a total payroll for the preceding calendar year of more than \$20,000 for all workers under his/her employ.	Yes
KY	Chapter 342 - Kentucky Revised Statutes	Compulsory	Two or more domestic workers regularly employed in a private home 40 or more hours a week. The law has no numerical exemption for general employment.	Yes
LA	Title 23, Chapter 10 - Louisiana Revised Statutes	Compulsory	Exempt	Yes
ME	Title 39A Enacted by PL 1991, c.885, PTA @ 8	Compulsory	Exempt	Yes
MD	Title 9, Article, Sec. 9-202 of the Annotated Code of Maryland	Compulsory	Any domestic worker whose earnings are \$750 or more in any calendar quarter from a private household. Domestic servants and their employers jointly may elect for the employee to be covered, even if the individual does not meet the earnings requirement.	Yes

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MA	Chapter 152 of the MA General Laws – Workers' Compensation Act	Compulsory	Domestic workers employed 16 or more hours per week by an employer.	Yes
MI	Act 317 of 1969 – Workers' Disability Compensation Act of 1969	Compulsory	Any household domestic worker who is employed 35 or more hours per week or longer for 13 weeks or longer during the preceding 52 weeks.	Yes
MN	Chapter 176A of the Minnesota Statutes	Compulsory	Any domestic worker who earns \$1,000 or more in any three-month period or who has earned \$1,000 or more in any three-month period of the previous year from the same single, private household.	Yes
MO	Chapter 287 of the Missouri Revised Statutes – Workers' Compensation Law	Compulsory	Exempt	Yes
MS	Title 71, Chapter 3 of the MS Code – Workers' Compensation	Compulsory	Exempt	Yes
MT	Title 39, Chapter 71 of the Montana Code Annotated 2001	Compulsory	Exempt	Yes
NE	Section 48-101 to Section 48-1, 118 of the Nebraska Revised Statutes	Compulsory	Exempt	Yes
NV	Title 53 Chapter 616A-D of the Nevada Statutes	Compulsory	Any person engaged in household domestic service including a cook, housekeeper, maid companion, babysitter, chauffeur or gardener is exempt.	N/A

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NH	Title XXIII, Chapter 281-A of the New Hampshire Revised Statutes	Compulsory	All domestic service workers are covered under the law.	N/A
NJ	NJSA Title 34 – Labor and Workmen's Compensation	Compulsory	All domestic service workers are covered under the law.	Yes
NM	Chapter 52 of the New Mexico Statutes	Compulsory	Exempt	Yes
NY	Chapter 67 of the Consolidated Laws of New York State – Workers' Compensation Law	Compulsory	Any domestic worker employed (other than those on a farm) by the same employer for a minimum of 40 hours per week.	Yes
NC	Chapter 97 of the North Carolina Statutes	Compulsory	Domestic service workers if employer employs more than 10 full-time non-seasonal laborers.	Yes
ND	Title 65 of the North Dakota Century Code – Workers' Compensation	Compulsory	Exempt	Yes
OH	Title 41, Chapter 4123 of the Ohio Revised Code Ann.	Compulsory	Any domestic worker who earns \$160 or more in any calendar quarter from one employer.	Yes
OK	Title 85 of the Oklahoma Statutes – Workers' Compensation Law	Compulsory	Any domestic worker if the employer had a gross annual payroll in the preceding calendar year of \$10,000 or more for such workers.	Yes
OR	Chapter 656 of the Oregon Revised Statutes – Workers' Compensation	Compulsory	Exempt	Yes

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PA	Act of 1915, P.L. 736, no. 338, as amended – PA Workmen’s Compensation Act	Compulsory	Exempt	Yes
RI	Title 28, Chapter 28-29 of the Rhode Island Code, Workers’ Compensation	Compulsory	Exempt	Yes
SC	Title 42 of the 2002 South Carolina Code of Laws – Workers’ Compensation	Compulsory	Employers with four or more domestic workers whose annual payroll during the previous calendar year \$3,000 or more.	Yes
SD	Title 62 of the South Dakota Codified Laws and Constitution – Workers’ Compensation	Compulsory	Any domestic service worker employed more than 20 hours in any calendar week and for more than 6 weeks in any 13-week period.	Yes

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TN	Title 50, Chapter 6 of the Tennessee Code	Compulsory	Exempt	Yes
TX ¹	Chapter 401, Title 5 of TX Labor Code	Elective	Only state to allow employers to choose whether or not to provide coverage (§ 406.002-Coverage Generally Elective). However, public employers and employers that enter into a building or construction contract with a governmental entity must provide coverage. TX Compensation Commission Manual specifically exempts domestic or casual workers engaged in employment that is incidental to a personal residence from coverage.	Yes
UT	Utah Code, Title 34A, Chapter 02 – Worker's Compensation Act	Compulsory	Any domestic worker regularly employed for 40 or more hours per week by the same employer.	Yes
VT	Title 21, Chapters 9 and 11 of the Vermont Statutes – Employer's Liability and Workers' Compensation	Compulsory	Exempt	Yes
VA	Title 65.2 of the Code of Virginia – Workers' Compensation	Compulsory	Exempt	Yes

¹ Texas provides for mandatory workers' compensation coverage under Title 25 of the State statutes regarding rules and regulations for "Carriers" (Article 911-A, Sec. II, Motor Bus Transportation and Regulations by the Railroad Commission).

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WA	Title 51, RCW Industrial Insurance	Compulsory	Employers with two or more domestic workers if regularly employed in a private home 40 or more hours per week. Law has no numerical exemption for general employment.	Yes
WV	Chapter 23 of the WV Code– Workers’ Compensation	Compulsory	Exempt	Yes
WI ²	Chapter 102, Wis. Stats.– Workers’ Compensation Act of Wisconsin	Compulsory	Exempt	Yes
WY ³	Title 27, Chapter 14 Sections 101-805	Compulsory	Exempt	No
AS	Title 32, Chapters 4-6 – Workers’ Compensation – General Provisions and Administration	Compulsory	Any employer, regardless of business or private home with three or more employees.	Yes
GU	Guam Workers’ Compensation Law – PL 1-80	Compulsory	Exempt	Yes
NN ⁴	Navajo Nation Law –15NNC Sections 1001-1048	Compulsory	N/A	N/A

² WI Labor Review Commission (LIRC) does not consider home-care providers (description similar to personal care workers) as domestic service under the State’s workers’ compensation (WC) law. Although the law does not define home-care providers, LIRC considers them exempt from the WC law because they “do not provide services as a part of the trade, business, occupation or profession of the recipient of services.” Employers of home-care providers may elect to provide WC coverage.

³ Wyoming law is compulsory for all employers engaged in extra-hazardous occupations and elective for all other occupations.

⁴ Navajo Nation Statute only provides workers’ compensation insurance coverage to Navajo Nation Government and enterprises. It does not cover private employers such as household employers. They would have purchase workers’ compensation insurance from a private carrier or through AZ insurer of last resort or Assigned Risk Plan.

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Jurisdiction	Workers' Compensation Law Citation	<u>Type of Law</u> Compulsory or Elective	Extent of Compulsory Coverage for Domestic Service Employers	If Exempt, Can Domestic Service Employer Voluntarily Provide Coverage?
NMI	PL 6-33/9-33 – Workers' Compensation Law	Compulsory	Household maids, yard maintenance and residential farmers are exempt.	Yes
PR	Act No. 45 – Workers' Accident Compensation Act	Compulsory	Any domestic worker regularly employed by the same employer.	N/A
VI	Title 24 Chapter 11 of the Virgin Islands Code – Workers' Compensation Administration	Compulsory	Exempt	Yes

Table 2: Workers' Compensation Insurance Requirement, Self-Insurance And Penalties For Failure To Insure By Jurisdiction

Jurisdiction	Workers' Compensation Insurance ¹	Self-Insurance	Penalties for Failure to Insure
AL	Required	Individual and Group	Fine not less than \$100 or more than \$1,000. Employers may be enjoined from doing business and liable to suit with defenses abrogated and double the amount of compensation.
AK	Required	Permitted	Class B or C felony (up to 1 year imprisonment, \$10,000 fine or both). Board may enjoin use of labor. Employer liable to suit with defenses abrogated, and employer negligence presumed proximate cause of injury. Individuals in charge of corporation personally liable for compensation.
AZ	Required	Individual and Group	Employer liable to suit with defense abrogated. \$500 civil penalty plus a 10% penalty on all claims expenses. Award paid by Special Fund. Injunction against doing business in the state.
AR	Required	Individual and Group ²	Fine up to \$10,000 or Class D Felony; employer liable to suit with defenses abrogated. Possibly enjoined from engaging in further employment.
CA	Required	Individual and Group	The failure to secure the payment of compensation, as required by one who knew, or because of his or her knowledge or experience should be reasonably expected to have known, of the obligation to secure the payment of compensation, is a misdemeanor punishable by imprisonment in the county jail for up to one year, or by a fine of up to ten thousand dollars (\$10,000) or both imprisonment and fine. Employer may be enjoined from doing business. Mandatory penalty upon issuance of stop order is a misdemeanor; penalty is up to \$10,000, imprisonment up to 60 days, or both. \$500 penalty for failure to respond to Director's inquiry. Upon final adjudication of a claim, the uninsured employer shall be assessed: (a) in non-compensable cases, \$2,000 per employee employed at the same time of injury, or (b) in compensable cases, \$10,000 per employee employed. The maximum shall be \$100,000. Payments are credited to the Uninsured Employer Fund of the State Treasury.
CO	Required	Individual Company and Group	Compensation increase of 50% or employer liable to suit with defenses abrogated (at option of employee). Employer may also be enjoined from doing business or fined up to \$500 per day for failing to insure, not to exceed the annual premium.
CT	Required	Permitted	Fine of not more than \$50,000 for failure to insure. Employer may be enjoined from entering into any contracts of employment.

¹ Requirement for employers considered to be "covered employers" in accordance with the jurisdiction's workers' compensation law.

² Arkansas- Municipalities with populations of more than 7,000 may self-insure on individual or group basis.

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Jurisdiction	Workers' Compensation Insurance ¹	Self-Insurance	Penalties for Failure to Insure
DE	Required	Individual and Group	Fine of \$1 per day per employee (minimum of \$25/day); if default, continues for 30 days employer may be enjoined from doing business. Employer liable to suit with defenses abrogated.
DC	Required	Permitted	Civil fine of not less than \$1,000 and not more than \$10,000.
FL	Required	Individual and Group ³	Fine of \$,1000 or twice the amount the employer would have paid during periods it illegally failed to secure coverage in the preceding 3-year period, whichever is greater. Failure to provide coverage is deemed an immediate and serious danger to public health, safety, or welfare sufficient to justify stop-work order issuance and \$100 daily penalty until compliance is achieved. Subject to prosecution for third degree felony for knowingly failing to secure coverage if required.
GA	Required	Individual and Group	Misdemeanor. Compensation may be increased 10% plus attorneys fees. Penalty up to \$5,000 per violation.
HI	Required	Individual and Group	\$250 or \$10 per employee per day during default, whichever is greater. Employer may be enjoined from doing business.
ID	Required	Permitted	Misdemeanor. Employer may be liable for penalty of \$2 per day per employee or \$25 per day, whichever is greater, for each day failure continues. May be enjoined from doing business. Additional penalties include \$500 for the second violation and \$1,000 for subsequent violations.
IL	Required	Individual and Group	Fine up to \$500 for each day's default. Minimum penalty \$10,000. Employer liable to suit, also corporate officers, directors, partners, members of limited liability company upon finding of knowing and willful refusal or failure to comply, if employer does not pay penalty.
IN	Required	Permitted ⁴	Class A infraction – maximum fine \$10,000. Uninsured employer may be liable for medical and legal expenses, plus double compensation and may be enjoined from doing business.

³ Florida – Application for workers' compensation coverage under a group self-insurance fund must contain the following statement: "This is a fully assessable policy. If the fund is unable to pay its obligations, policyholders must contribute on a pro rata earned premium basis the money necessary to meet any unfilled obligations."

⁴ Indiana – Except as to state and political subdivisions, banks, trust companies, and savings and loan associations. These entities are self-insured by statute.

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Jurisdiction	Workers' Compensation Insurance ¹	Self-Insurance	Penalties for Failure to Insure
IA	Required	Individual and Group	Employer liable to suit with defenses abrogated and presumption of negligence of employer. Employer is liable to penalty of up o \$100 per day and may be enjoined for further noncompliance. A temporary or permanent writ of injunction may be ordered enjoining an employer from operating without insurance or self-insurance coverage.
KS	Required	Individual and Group	Employer liable to suit. Penalty may be double the amount the premium would have been or \$25,000, whichever is greater.
KY	Required	Individual and Group	Failure to secure payment of compensation – claimant may claim compensation and bring action at law or in admiralty with employer's common law defenses abrogated. Employer may be enjoined from doing business. With respect to employers who fail to maintain workers' compensation insurance coverage on their employees, each employee of the employer and each day of noncompliance shall constitute a separate offense for purposes of determining the fine/penalty. Employer is subject to criminal penalty including a fine of \$100 to \$1,000 or imprisonment for 30 to 180 days or both.
LA	Required	Individual and Group	Compensation increased 50% and civil fine up to \$10,000 (\$250 for first offense and \$500 for each additional employee). Employer may be enjoined from doing business. Willful failure to insure is a felony, and is subject to a criminal fine up to \$10,000 and one year at hard labor. Willful misrepresentation is a felony subject to a criminal fine up to \$10,000 and 10 years at hard labor.
ME	Required	Individual and Group	Employer liable for civil penalty of up to \$10,000, or an amount equal to 108% of the premium, calculated using Maine Employers' Mutual Insurance Company's Standard Discounted Standard Premium, that should have been paid during the period the employer failed to secure coverage, whichever is larger, payable to Employment Rehabilitation Fund. Corporate employers subject to revocation or suspension or authority to do business. Class D crime. Employer liable to suit with defenses abrogated.
MD	Required	Individual and Group ⁵	Assessment against uninsured employers of at least \$150 but not exceeding \$500 and 15% of any award made in the claim not to exceed \$2,500. Non-Insured Employer guilty of misdemeanor and upon conviction subject to fine not to exceed \$5,000 or one year imprisonment or both. Employer also liable to suit and with defenses abrogated. Other insurer assessed to pay unpaid claims of insolvent insurer payable into Uninsured Employers' Fund.

⁵ Maryland – Eligibility for group self-insurance is limited to countries, municipalities, Board of Education, Community Colleges, and certain private employers.

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Jurisdiction	Workers' Compensation Insurance ¹	Self-Insurance	Penalties for Failure to Insure
MA	Required	Individual and Group	Fine of not more than \$1,500 or imprisonment for not more than 1 year, or both; employer liable to suit with defenses abrogated. Civil penalties for failure to insure include: stop-work orders, debarred from state and municipal contracts, and a \$100 per day fine for each day employer operates after stop-work order.
MI	Required	Individual and Group	Fine of not more than \$1,000 per day or imprisonment for not more than 6 months, or both; employer liable for damages.
MN	Required	Individual and Group	Penalty of up to \$1,000 per employee per week during which the employer was not in compliance. Employer may be enjoined from further employment. Intentional compliance is a gross misdemeanor. Employer liable to suit with some defenses abrogated. Additional penalty of \$2,000 is assessed if information reported to obtain business license or permit is false.
MS	Required	Individual and Group ⁶	Fine of up to \$1,000 or 1 year imprisonment or both, civil penalty up to \$10,000. Employer also liable to suit with defenses abrogated.
MO	Required ⁷	Individual and Group	Employer liable to suit with defenses abrogated. Worker may receive medical and/or death benefits out of Second Injury Fund and employer is liable for an amount equal to twice the annual estimated premium of employer or \$25,000, whichever is greater. Failure to insure is a Class A misdemeanor, prosecution by the Attorney General. Policy is required to obtain a business license.
MT	Required	Individual and Group ⁸	Employer enjoined from doing business. Double amount of unpaid premiums assessed as penalty (minimum \$200). Employer liable for all benefits paid, or to be paid to injured worker. Employer automatically negligent if no coverage obtained. Penalties payable to Uninsured Employers' Fund.
NE	Required	Permitted ⁹	Employer liable to suit with defenses abrogated and may be subject to any one or more of the following: enjoinder from doing business in NE until compliance is secured; imprisonment for not more than 1 year; penalty of not more than \$1,000 for each violation. Each day of continued failure to secure payment of compensation constitutes a separate violation.

⁶ Mississippi – All self-insurers must be members of the MS Workers' Compensation Self-Insurer Guaranty Association.

⁷ Missouri – Employers engaged in mining must insure only to the extent of the maximum liability for 10 deaths in one accident.

⁸ Montana – Private employers and public entities, other than state agencies, may establish individual or group self-insurance funds.

⁹ Nebraska – Group self-insurance permitted for any two or more public agencies

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Jurisdiction	Workers' Compensation Insurance ¹	Self-Insurance	Penalties for Failure to Insure
NV	Required	Individual and Group	An employer who fails to obtain or maintain coverage is liable to suit by the injured employee or his dependents; if the injured employee elects to be covered by the Uninsured Employers' Claim Fund, the employer is liable for claim costs, administrative fees, interest, attorney's fees and costs, and an 'administrative fine of not more than \$10,000.' The employer's business may be closed; employer is liable for a penalty equal to the premiums that would have been owed for the period of non-insurance but not to exceed 6 years and interest. A first offense is generally a misdemeanor; however, if an employee in the course and scope of employment suffers 'substantial bodily harm' or is killed during the period of non-coverage, it is a category C felony, punishable by imprisonment between 1 and 5 years and a fine between \$1,000 and \$50,000. A second failure to provide or maintain insurance coverage is a category C felony.
NH	Required	Individual and Group	Penalty of \$2,500 plus \$100 per employee per day. Employer may be enjoined from doing business and injured worker may sue for damages. Employer shall be guilty of a misdemeanor.
NJ	Required ¹⁰	Permitted	Uninsured employers are subject to a disorderly person's offense, an initial penalty of \$1,000 as well as an assessment of 15% of any award, of which the amount of the assessment is not to exceed \$5,000. Willful failure to provide insurance is a crime of the fourth-degree. An assessment of \$1,000 may be imposed for every 10-day period that insurance is not provided.
NM	Required	Individual, Group and Pools ¹¹	Employer may be enjoined from doing business and fined up to \$1,000 for each instance of non-compliance.

¹⁰ New Jersey – Statutory presumption of compulsory inclusion in every contract of hire since July 4, 1911. Coverage may be terminated by either party upon notice in writing prior to any accident. Permits ten (10) or more employers licensed by the State as hospitals to group self-insure.

¹¹ New Mexico – Group means a not-for-profit unincorporated association consisting of two or more public hospital employers or private employers, which are engaged in the same or similar type of business.

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Jurisdiction	Workers' Compensation Insurance ¹	Self-Insurance	Penalties for Failure to Insure
NY	Required	Individual and Group	Fine of \$500 to \$2,500 or imprisonment for up to 1 year, or both, with fines to \$7,500 for repeated offenses. Employer liable to suit with certain special defenses abrogated. Additional fine of \$250 for each 10-day period of no coverage, or a sum not to exceed 2% of payroll for period of no coverage. ¹²
NC	Required	Individual and Group ¹³	Misdemeanor punishable by penalty of \$1.00 per day per employee (maximum \$100, minimum \$50 per day), imprisonment, or both. Employer liable to suit with common law defenses abrogated.
ND	Required in State Fund	Not permitted	Class A Misdemeanor. If the difference is more than \$500 it is a class C felony. \$2,000 fine plus 3 times the difference between premium paid & amount that should have been paid. Uninsured employer liable for damages for injuries or death and cannot avail himself/herself of common law defense. Employer may be enjoined from employing uninsured workers.
OH	Required in State Fund	Permitted	Minor misdemeanor – fine up to \$100. If willful, second-degree misdemeanor – fine up to \$750, imprisonment up to 90 days, or both. Employer may be enjoined from doing business. Employer is also liable to suit with defenses abrogated.
OK	Required	Individual and Group	Civil penalties are a fine up to \$250 per employee for first offense, up to \$1,000 per employer for second offense, with the maximum fine for all violations being \$10,000. Criminal penalty is conviction of misdemeanor subject to a fine of not more than \$1,000 or up to 6 months in jail, or both. The Commissioner of Labor can issue a cease-and-desist order against an employer who is cited for 2 offenses of failing to obtain workers' compensation insurance.
OR	Required	Individual and Group	Employer is liable to suit with defenses abrogated. Enjoined from hiring workers. Liable for payment of all claims plus administrative costs. Minimum fine of \$1,000 for first violation or twice the amount of premium evaded, whichever is greater, to \$250 per day for subsequent violations; additional fines to \$5,000 based on extent of injury.

¹² New York – President, secretary and treasurer of a corporation are criminally liable for their failure to obtain coverage and are personally liable for penalties. Corporate officer who failed to obtain insurance is ineligible for benefits out of Uninsured Employers' Fund for self, surviving spouse, or dependents.

¹³ North Carolina – All individual and group self-insurers must be members of North Carolina Self-Insurance Guaranty Association as a condition of authority to self-insure.

Table 2: Workers' Compensation Insurance Requirement, Self-Insurance And Penalties For Failure To Insure By Jurisdiction

Jurisdiction	Workers' Compensation Insurance ¹	Self-Insurance	Penalties for Failure to Insure
PA	Required	Permitted	It is a third-degree misdemeanor offense for an employer not to carry workers' compensation insurance. Fines of up to \$2,500 and/or one year in prison for each day of non-coverage can be imposed for noncompliance with the law. If the failure to insure is intentional, the offense is considered a third degree felony with fines of up to \$15,000 and 7 years in prison per day of non-coverage. Any party may file a criminal complaint against an uninsured party with the county district attorney's office.
RI	Required	Individual and Group	Misdemeanor. Fine of \$500 to \$1,000 per day of noncompliance and/or imprisonment for one year. Corporate officers liable personally.
SC	Required	Individual and Group	If employer fails to insure, fine of 10 cents a day per employee (maximum \$50, minimum \$1 per day). Employer liable to suit with defenses abrogated. Willful failure to insure is misdemeanor punishable by fine of \$100 to \$1,000, or imprisonment of 30 days to 6 months, or both.
SD	Required	Individual	Employer liable to suit for damages or double compensation and medical care as benefits.
TN	Required	Individual and Group	Administrative fine of \$5,000 for every 30 days of willful refusal and noncompliance. Employers may be penalized 25% of medical costs in cases of bad faith failure or late payments.
TX	Required ¹⁴	Permitted ¹⁵	Employer liable to suit with defenses abrogated.
UT	Required	Permitted	Minimum fine of \$1,000 but not more than 3 times the premium employer would have paid during period of noncompliance. Employer liable to suit with defenses abrogated. Costs and attorney's fees in civil suit. Employers and officers guilty of a misdemeanor. Employer liable for all compensation paid from Uninsured Employers' Fund plus interest, costs, and attorney's fees.
VT	Required	Permitted	Failure to secure compensation – fine up to \$50 per day, up to maximum of \$5,000. Fine increases to \$150 per day 5 days after notice by Commissioner.
VA	Required	Individual and Group	Civil Penalties of \$500 to \$5,000. Employer liable to suit with certain defenses abrogated and may be enjoined from doing business. Intentionally uninsured employer commits Class 2 misdemeanor.

¹⁴ Texas – If the employer accepts.

¹⁵ Texas – Except for state and political subdivisions. Self-Insurance is permitted upon Commission's approval of each inquiry.

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Jurisdiction	Workers' Compensation Insurance ¹	Self-Insurance	Penalties for Failure to Insure
WA	Required in State Fund	Permitted ¹⁶	Claim cost penalty equals 50% to 100% of the cost of the injury; unregistered penalty = \$500 or twice the unpaid premium, whichever is greater.
WV	Required	Permitted Through State Fund Approval	Employer liable to suit with defenses abrogated; all past premium taxes, interest and penalties may be enjoined from doing business in the state; Willing failure or false reporting is a felony with imprisonment up to 10 years and fine of \$2,500 to \$10,000.
WI	Required	Permitted	Fine of twice the amount of premium not paid during an uninsured time period or \$750, whichever is greater. Under certain circumstances, an employer can be subject to a penalty of \$100 for each day that he/she is uninsured up to 7 days. Employer may be restrained from doing business pending compliance. Employer is liable for all benefits awarded on uninsured claims.
WY	Required	Permitted if Work is Determined Not to be Extra-Hazardous ¹⁷	Fine of not more than \$750 for first conviction; fine of not more than \$10,000 for second conviction or subsequent convictions, plus 0.02% interest per month or \$50 per month, whichever is greater, on unpaid balance. Employer may be enjoined from doing business and liable to suit with defenses abrogated.
AS	Required	N/A	
GU	Required	Not Permitted	Uninsured employers may be sued at law or in admiralty. Insured employer liability is exclusive for contribution among joint tort feorsors against the employer.
NN	Required	N/A	
NMI	Required	N/A	
PR ¹⁸	Required in Territorial Fund	Not Permitted	Misdemeanor, fine of \$1,000 maximum, or imprisonment for not more than 6 months, or both. Employer liable to suit with defenses abrogated. Penalty 30% of compensation (minimum \$10.00). Detention of construction work.

¹⁶ Washington State – Group self-insurance permitted for school districts and hospitals.

¹⁷ Wyoming – Coverage is compulsory for 'extra hazardous' industries and occupations only. Private insurers are allowed to write coverage for industries and occupations not considered extra hazardous, however, only the state fund is allowed to provide immunity to lawsuit by injured workers.

¹⁸ Puerto Rico — Figures for Puerto Rico could not be verified at the time of publication; Information taken from the *2001 Analysis*.

Table 2: Workers' Compensation Insurance Requirement, Self-Insurance And Penalties For Failure To Insure By Jurisdiction

Jurisdiction	Workers' Compensation Insurance¹	Self-Insurance	Penalties for Failure to Insure
VI	Required in Territorial Fund	Not Permitted	Employer liable for compensation and expenses plus penalty equal to 30% of compensation and expenses. Employer liable to suit with defenses abrogated. Fine up to \$500 or imprisonment up to 6 months, or both. Interest on premiums in default. Employer may be enjoined from doing business

Table 3: Voluntary Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Estimated Number of Private WC Insurance Carriers ¹	Level of Access to Voluntary Market for Domestic Service Employers ²	Is an Agent/Producer Required For a Domestic Service Employer to Access Voluntary Market? ³	Competitive Pricing	Administered Pricing
AL	202	Low	Recommended	X	
AK	195	Low	Recommended	X	
AZ	283	Moderate	No	X	X
AR	420	"Nonexistent"	No	X	
CA	300+	Domestic service policies are not written in the voluntary market.	Recommended	X	
CO	758	Low	Recommended	X	
CT	337	Low	Recommended	X	
DC	80+	Low	No	X	
DE	297	Low	Recommended	X	
FL	583	"Nonexistent"	Yes		X
GA	353	Low	No	X	
HA	216	Low	Recommended	X	
ID	270+	Moderate	No		X
IL ³	385	Low	No	X	X
IN ⁴	666	Low	Recommended	X	X
IA	240+	Low	Recommended		X
KS	349	Low	Yes	X	
KY	562	Low	Yes	X	
LA	N/A ⁵	Moderate	Recommended	X	
ME	208	Moderate	No	X	

¹Estimated number of insurance companies authorized to write workers' compensation policies as reported by state agency staff or agency web site.

² As reported by state agency staff.

³ As reported by state agency staff. The requirement often can vary by insurance carrier within a state's voluntary market.

⁴ NCCI reported that IN, IL and NV use both administered pricing and competitive pricing methods.

⁵ State reported 1,355 insurance companies authorized to write casualty insurance policies but could not break out those that wrote workers compensation.

Table 3: Voluntary Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Estimated Number of Private WC Insurance Carriers ¹	Level of Access to Voluntary Market for Domestic Service Employers ²	Is an Agent/Producer Required For a Domestic Service Employer to Access Voluntary Market? ³	Competitive Pricing	Administered Pricing
MD	534	Low	No ⁶	X	
MA	13	Low	Yes		X
MI	220	Low	Recommended	X	
MN	1,000+	Low	Recommended	X	
MS	278	Low	No	X	
MO	260+	Low	Recommended	X	
MT	247	Not Reported	No	X	
NE	335	Low	Recommended	X	
NV ³	240+	Low	Recommended	X	X
NH	200+	“Nonexistent”	Recommended	X	
NJ	450 ⁷	Low	Recommended		X
NM	220	“Nonexistent”	No	X	
NY	800	Low	Recommended		X
NC	N/A	“Nonexistent”	Recommended	X	
ND	No private market				
OH	No private market				
OK	239	Low	Recommended	X	
OR	423	Low	Requirement varies by private carrier. The SAIF does not require the use of an agent.	X	
PA	368	Low	Recommended	X	
RI	20	Low	Recommended	X	
SC	240	Low	Recommended	X	
SD	567	Low	No	X	

⁶ MD Injured Workers' Insurance Fund staff reported that agents could act as a barrier to residual market if he/she process a household employer's policy with a voluntary carrier because the fee they receive (e.g., often \$15-20/policy) too low to cover the paperwork burden and related expense.

⁷ Approximately 350 are insurance carriers authorized to write standard workers' compensation insurance policies and approximately 100 are household insurance carriers who write the workers' compensation homeowner's endorsement for domestic service workers.

Table 3: Voluntary Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Estimated Number of Private WC Insurance Carriers ¹	Level of Access to Voluntary Market for Domestic Service Employers ²	Is an Agent/Producer Required For a Domestic Service Employer to Access Voluntary Market? ³	Competitive Pricing	Administered Pricing
TN	300+	Low	Recommended	X	
TX	350+	"Not Reported"	Yes	X	
UT	150+	Low	Recommended	X	
VT	206	Low	No	X	
VA	523	Low	Recommended	X	
WA	No private market				
WV	No private market				
WI	300	Low	Recommended		X
WY	No private market				
AS	2	Low	No	X	
GU ⁸	10	Low	No	X	
NMI ⁸	34	Moderate	No	X	
NN	N/A ⁹				
PR	No private market				
VI	No private market				

⁸ State agency staff reported that they did not know of any case where a household employer has purchased a workers' compensation insurance policy.

⁹ Individual household employers can not access workers' compensation insurance through the Nation. They must obtain workers' compensation insurance through the AR voluntary or residual markets.

Table 4: Residual Market Minimum Premiums For Domestic Service Classification Codes By Jurisdiction

Jurisdiction	Residual Market Administrator	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
AL	NCCI ¹	Per capita	Per capita	3/01/03	\$492.00	\$469.00	\$750.00	\$750.00	
AK	NCCI	Per capita	Per capita	1/01/03	\$172.00	\$155.00	\$500.00	\$482.00	
AR	NCCI	Per capita	Per capita	7/01/03	\$348.00	\$325.00	\$610.00	\$509.00	
AZ	NCCI	Per capita	Per capita	10/01/02	\$170.00	\$125.00	\$328.00	\$517.00	
CA	California State Compensation Insurance Fund	Per \$100 payroll	0910(A)-Per household policy; 0913(A)-Per capita	7/01/03	Not used	Not used	Not used	Not used	0910(A)-\$200 (Occasional); 0913(A)-\$200 (Full-time)
CO	Pinnacle Insurance Company	Per capita	Per capita	12/01/03	\$419.00	\$466.00	\$710.00	\$514.00	
CT	NCCI	Per capita	Per capita	1/01/03	\$439.00	\$324.00	\$722.00	\$669.00	
DE	Delaware Compensation Rating Bureau	Per capita	Per capita	6/01/03	\$328.00	\$333.00	\$515.00	\$591.00	
DC	NCCI	Per capita	Per capita	11/01/02	\$407.00	\$409.00	\$750.00	\$676.00	
FL	Florida Workers' Compensation Joint Underwriting	Per capita	Per capita	4/01/03	\$664.00	\$584.00	\$1,650.00	\$1,542.00	
GA	NCCI	Per capita	Per capita	4/01/01	\$265.00	\$287.00	\$510.00	\$472.00	
HI	Hawaii Employers Mutual Insurance Company	Per capita	Per capita	7/03/03	\$650.00	\$650.00	\$650.00	\$650.00	
ID	NCCI	Per capita	Per capita	1/01/03	\$206.00	\$150.00	\$300.00	\$227.00	
IL	NCCI	Per capita	Per capita	1/01/03	\$458.00	\$368.00	\$750.00	\$644.00	
IN	NCCI	Per capita	Per capita	1/01/03	\$347.00	\$309.00	\$487.00	\$381.00	
IA	NCCI	Per capita	Per capita	1/01/03	\$352.00	\$324.00	\$550.00	\$550.00	
KS	NCCI	Per capita	Per capita	1/01/03	\$301.00	\$283.00	\$578.00	\$433.00	
KY	Kentucky Employers' Mutual Insurance Company	Per capita	Per capita	1/01/03	\$326.00	\$353.00	\$853.00	\$656.00	
LA	Louisiana Workers' Compensation Corporation	Per capita	Per capita	6/30/03	\$188.45	Not used	Not used	\$770.57	

¹ NCCI stands for National Council on Compensation Insurance

Table 4: Residual Market Minimum Premiums For Domestic Service Classification Codes By Jurisdiction

Jurisdiction	Residual Market Administrator	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
ME ²	Maine Employers Mutual Insurance Company	Per capita	Per capita	3/17/03	\$391.00	\$342.00	\$623.00	\$542.00	
MD	Injured Workers' Insurance Fund	Per \$100 of payroll	Per household policy	1/01/03	Not used	Not used	\$175.00	\$175.00	
MA	Workers' Compensation Rating and Inspection Bureau of Massachusetts	Per \$100 of payroll	Per household policy	7/1/01	Not used	Not used	Not used	Not used	0918-\$170
MI	Compensation Advisory Organization of Michigan	Per capita	Per capita	1/01/03	\$418.00	\$430.00	\$734.00	\$735.00	
MN	Minnesota Workers' Compensation Insurance Association	Per capita	Per capita	4/01/03	\$419.00	\$251.00	\$2,480.00	\$745.00	
MS	NCCI	Per capita	Per capita	3/01/03	\$434.00	\$426.00	\$750.00	\$750.00	
MO	Travelers Insurance Company	Per capita	Per capita	7/01/03	\$401.00	\$356.00	\$750.00	\$602.00	
MT	State Compensation Insurance Fund	Per \$100 of payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	9015-\$304.12
NE	Travelers Insurance Company	Per capita	Per capita	2/01/03	\$410.00	\$363.00	\$750.00	\$600.00	
NV	NCCI	Per capita	Per capita	7/01/00	Not used	Not used	Not used	Not used	0001-\$750; 0002-\$432
NH	NCCI	Per capita	Per capita	1/01/03	\$553.00	\$378.00	\$709.00	\$750.00	\$3.00/policy/year - Homeowner's / Tenant's Endorsement for Domestic Service ³

² Maine allows tier rating (e.g., deviations from standard rates).

³ State agency and insurers reported that the homeowner's/tenant's endorsement should only apply to occasional (not full-time) domestic service workers. However, the statute is silent on this. Persons with disabilities that hire a personal assistance worker can not consider their worker under the domestic service (Title XXIII, Section 281-A:6) and can not take advantage of the homeowner's/tenant's endorsement for workers' compensation coverage option.

Table 4: Residual Market Minimum Premiums For Domestic Service Classification Codes By Jurisdiction

Jurisdiction	Residual Market Administrator	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
NJ ⁴	New Jersey Compensation Rating & Inspection Bureau	Per household for part-time help (standard WC & homeowner policy; Per capita for full-time help std & homeowner policies	Per household for part-time help (standard WC & homeowner policy; Per capita for full-time help std & homeowner policies	1/01/03			State-specific code: \$76.00-Std WC Policy for 1 st worker, \$60 for each additional worker; \$61.00 - Home-Owner's Policy 1 st worker, \$60 for additional worker.	State-specific code: \$76.00-Std WC Policy for 1 st worker, \$60 for each additional worker; \$61.00 - Home-Owner's Policy 1 st worker, \$60 for additional worker.	0910 – (Occasional) State-specific code- \$16.00 for standard WC policy; \$1.00 for homeowner's policy.
NM	NCCI	Per capita	Per capita	7/01/03	\$395.00	\$395.00	\$750.00	\$468.00	
NY ⁵	New York State Insurance Fund	Per capita	Per capita	2/24/03	\$130.88	\$160.26	\$700.40	\$494.74	
NC	North Carolina Rating Bureau	Per capita	Per capita	4/01/03	\$368.00	\$350.00	\$850.00	\$600.00	
OK	CompSource Oklahoma	Per capita	Per capita	2/01/02	\$258.00	\$252.00	\$350.00	\$350.00	
OR	NCCI	Per \$100 payroll	Per household policy	1/01/03					8989-\$500.00
PA	State Workmen's Insurance Fund	Per capita	Per capita	4/01/03	\$253.00	\$266.00	\$405.00	\$505.00	

⁴ Domestic service employers may also access WCI for occasional workers through a mandatory homeowners/renters insurance endorsement. Premium is \$1.00/policy/year. Occasional workers may also be covered through a standard policy under code 9010 for \$16.00/year.

⁵ The minimum premium includes the terrorism assessment charge.

Table 4: Residual Market Minimum Premiums For Domestic Service Classification Codes By Jurisdiction

Jurisdiction	Residual Market Administrator	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
RI	The Beacon Mutual Insurance Company	Per capita	Per capita	11/01/98	\$243.00	\$234.00	\$367.00	\$358.00	
SC	NCCI	Per capita	Per capita	12/01/01	\$301.00	\$292.00	\$495.00	\$432.00	
SD	NCCI	Per capita	Per capita	7/01/03	\$290.00	\$279.00	\$759.00	\$496.00	
TN	Aon Risk Services	Per capita	Per capita	3/01/03	\$328.00	\$321.00	\$610.00	\$733.00	
TX	Texas Workers' Compensation Insurance Fund	Per capita/ Per \$100 Payroll	Per capita/ Per \$100 Payroll	1/01/03	Not used	Not used	Not used	No rate available	0923 – TX specific – per \$100 payroll 0913 – TX specific – per capita
UT ⁶	Workers' Compensation Fund of Utah	Per capita	Per capita	12/01/02	\$400.00	\$400.00	\$400.00	\$400.00	
VT	NCCI	Per capita	Per capita	4/01/03	\$349.00	\$363.00	\$750.00	\$644.00	
VA	NCCI	Per capita	Per capita	4/01/03	\$290.00	\$320.00	\$535.00	\$450.00	
WI	Wisconsin Compensation Rating Board	Per capita	Per capita	7/01/02	\$405.00	\$325.00	\$658.00	\$672.00	
AS ^{7,8}	National Pacific Insurance Company	No involuntary market							
GU ^{7,8,9}	Guam Insurance Commission, Division of Tax and Revenue	No involuntary market							

⁶ Utah allows tier rating and the State Insurance Fund uses three tiers, Nonstandard, Standard and Preferred. A household employer would fall into the nonstandard tier if he/she was a new employer or had a 100% loss ratio. The only way a household employer can get into the preferred tier is if he/she has a loss ratio of 50% or less.

⁷ American Samoa, Guam, and the Commonwealth of Northern Mariana Islands all use the per \$100 payroll method to establish rates and the per household method to establish premiums. No rate information was available, however, in American Samoa it was estimated that a premiums in the voluntary market would be approximately ½% of inside workers' and 1% of outside workers' annual wages.

⁸ American Samoa and the Commonwealth of Northern Mariana Islands do not use classification codes of any kind. They determine employer status for rating purposes on a case-by-case basis.

⁹ Effective 8/03 Guam has adopted the NCCI codes 0909, 0912 and 0913. Minimum voluntary market premiums are \$36.00, \$36.00, and \$28.00, respectively and these minimum are the premiums when the employer has no payroll.

Table 4: Residual Market Minimum Premiums For Domestic Service Classification Codes By Jurisdiction

Jurisdiction	Residual Market Administrator	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
NN	Navajo Nation	No access to WCI for domestic service employers in Nation							
NMI ^{7,8}	Northern Mariana Islands Retirement Fund, Workers' Compensation Division	No involuntary market							

Table 5: Administered Pricing Minimum Premiums For Domestic Service Classification Codes By Jurisdictions¹

Jurisdiction	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code-Other
AZ ¹	Per capita	Per capita	10/1/02	\$131.00	\$96.00	\$252.00	\$398.00	
FL	Per capita	Per capita	4/1/03	\$427.00	\$371.00	\$750.00	\$750.00	
ID	Per capita	Per capita	1/1/03	\$193.00	\$150.00	\$300.00	\$211.00	
IL ²	Per capita	Per capita	1/1/03	\$412.00	\$343.00	\$750.00	\$555.00	
IN ²	Per capita	Per capita	1/1/03	\$347.00	\$309.00	\$487.00	\$381.00	
IA	Per capita	Per capita	1/1/03	\$330.00	\$307.00	\$515.00	\$513.00	
MA ³	Per capita	Per capita	7/1/01	\$134.00	\$141.00	\$233.00	\$668.00	0918 - \$170.00
	Per \$100 payroll	Per household policy						
NJ ⁴	Per household policy (Part-time help std and homeowner's policies); Per capita (Full-time help std and homeowner's policies).	Per household policy (Part-time help std and homeowner's policies); Per capita (Full-time help std and homeowner's policies).	1/1/03	Not used	Not used	State-specific code: \$76.00- Std WC Policy for 1 st worker, \$60 for each additional worker; \$61.00 - Home-Owner's Policy 1 st worker, \$60 for add worker.	State-specific code: \$76.00- Std WC Policy for 1 st worker, \$60 for each additional worker; \$61.00 - Home-Owner's Policy 1 st worker, \$60 for add worker.	0910 – (Occasional) State-specific code- \$16.00 for standard WC policy; \$1.00 for homeowner's policy.
NY ⁵	Per capita	Per capita	2/24/03	\$130.88	\$160.26	\$700.40	\$494.74	

¹ States that use administered pricing typically have one rate per classification code that all carriers must use.

² NCCI reported that Illinois, Indiana, and Nevada use both competitive and administered pricing mechanism for establishing rates for the voluntary WC markets.

³ MA uses the per capita approach to establish rates for classifications 0908, 0909, 0912 and 0913 and uses a per \$100/payroll approach to establish rates for classification 0918.

⁴ NJ does not have minimum premiums, the information reported is actual premiums.

Table 5: Administered Pricing Minimum Premiums For Domestic Service Classification Codes By Jurisdictions¹

Jurisdiction	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code-Other
NV ²	Per capita	Per capita	7/1/00	Not used	Not used	Not used	Not used	0001-(Full-time)\$693.00; 0002(Occasional)-\$340.00
WI	Per capita	Per capita	7/1/02	\$405.00	\$325.00	\$658.00	\$672.00	

⁵ The minimum premiums include the terrorism assessment charge.

Table 6: State Insurance Fund Minimum Premiums For Domestic Service Classification Codes By Jurisdiction

Jurisdiction	State Insurance Fund	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
AZ ¹	AZ State Compensation Fund	Per capita	Per capita	10/01/02	\$131.00	\$96.00	\$252.00	\$398.00	
CA	CA State Compensation Insurance Fund	Per \$100 payroll	0910(A)- Per household policy; 0913(A)- Per capita	7/01/03	Not used	Not used	Not used	Not used	0910(A) (Occasional) - \$200; 0913(A) (Full-time) - \$200
ID ¹	Idaho State Insurance Fund	Per capita	Per capita	1/01/03	\$193.00	\$150.00	\$300.00	\$211.00	
MD	MD Injured Workers' Insurance Fund	Per \$100 of payroll	Per household policy	1/01/03	Not used	Not used	\$175.00	\$175.00	
MT	Montana State Fund	Per \$100 of payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	9015-\$304.12
NY ²	NY State Insurance Fund	Per capita	Per capita	2/24/03	\$130.88	\$160.26	\$700.40	\$494.74	
ND	ND Workers' Compensation Bureau	Per \$100 of payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	9002 - \$327.00
OH	OH Bureau of Workers' Compensation	Per \$100 payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	8989-\$10.00 ³
OK	OK State Insurance Fund	Per capita	Per capita	2/01/02	\$258.00	\$252.00	\$350.00	\$350.00	

¹ The minimum premiums are the administrative pricing minimum premiums quoted by State.

² The minimum premiums include the terrorism assessment charge.

³ This is the minimum premium administrative cost in the absence of a premium. No other minimum premium applied. The blended rate for class 8989 is \$4.4457/\$100.

Table 6: State Insurance Fund Minimum Premiums For Domestic Service Classification Codes By Jurisdiction

Jurisdiction	State Insurance Fund	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
PA	PA State Workmen's Insurance Fund	Per capita	Per capita	4/01/03	\$253.00	\$266.00	\$405.00	\$505.00	
UT ⁴	Workers' Compensation Fund of Utah	Per capita	Per capita	12/01/02	\$400.00	\$400.00	\$400.00	\$400.00	
WA	WA Industrial Insurance State Fund	Per hour worked	Per household policy	1/01/03	Not used	Not used	Not used	Not used	6510 – no minimum premium, hourly comp rate of \$0.7744/hr
WV	WV Workers' Compensation Fund	Per \$100 payroll	Per household policy	7/01/03	Not used	Not used	Not used	Not used	8828 - \$25.00 ⁵
WY	WY Workers' Compensation Fund	N/A ⁶							
PR	Puerto Rico State Insurance Fund	Per \$100 of payroll	Per household policy	7/01/02	Not used	Not used	Not used	Not used	0912-011 PR specific - \$65.00 ⁷

⁴ Utah allows tier rating and the State Insurance Fund uses three tiers, Nonstandard, Standard and Preferred. A household employer would fall into the nonstandard tier if he/or she was a new employer or if he/she had a 100% loss ratio. The only way a household employer can get into the preferred tier is if he/she has a loss ratio of 50% or less.

⁵ This represents the minimum premium for an employer who has not payroll.

⁶ WY does not write workers' compensation policies for domestic service workers.

⁷ Premium would be the \$65/minimum premium or \$3.75/\$100 of payroll, whichever is greater. The minimum premium reflects an employer with no payroll.

Table 6: State Insurance Fund Minimum Premiums For Domestic Service Classification Codes By Jurisdiction

Jurisdiction	State Insurance Fund	Rate Type	Premium Type	Effective Date	WC Code 0908	WC Code 0909	WC Code 0912	WC Code 0913	WC Code Other
VI	Virgin Islands Division of Government Insurance	Per \$100 of payroll	Per household policy	1/1/97	Not used	Not used	Not used	Not used	0405 VI-specific - \$25.00 ⁸

⁸ VI has a maximum premium that can not exceed \$8,424 per employee per year and the minimum premium is \$25 (for employer with no payroll) for classification 0405, effective 1/1/97.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
AL	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported they “appear to.” No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes ¹
AK	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes ¹
AZ	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “could not say.” No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes ¹
AR	No	NCCI codes:0908, 0909, 0912, 0913	Workers’ compensation staff reported “yes,” as long as they are hired by the household employer and perform their work in and around the private home. No specific cite in law or classification codes. Final determination based on result of a workers’ compensation claims appeal.	N/A	Yes ¹
CA	No	State-specific codes: 0910(A), 0913(A)	Workers’ compensation staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	No. Employers are specifically exempted from covering employees if they are a parent, spouse or child.

¹ The WC law is silent regarding the status of family members as covered employees. For the purpose of this report, they may be covered at the discretion of the employer.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers' Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
CO	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported they were unsure. No specific cite in law or classification code. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes ¹
CT	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation staff reported "it appears to." No specific cite in law or classification code. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	§31-275(9)(b)(iii) (exempt employees) if, in any contract of insurance, the wages or salary of a member of the employer's family dwelling in his house is included in the payroll on which the premium is based, then that person shall, if he sustains an injury arising out of and in the course of his employment, be deemed an employee and compensated in accordance with the provisions of this chapter.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
DE	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation staff reported, “yes” as long as the services are being provided for a household employer and not provided by an agency or vendor. No specific cite in law or classification code. Final determination based on result of a workers’ compensation appeal decision.	N/A	Yes ¹
DC	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation staff reported “it appears to.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
FL	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes ¹
GA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes ¹
HI	Yes	NCCI codes: 0908, 0909, 0912, 0913	Yes, Hawaii workers’ compensation law §381-6 specifically includes attendant care and day care services under the domestic service definition. ²	N/A	Exempt from coverage but employers may elect to cover.

² Hawaii Workers Compensation Law §381-1 (6) Domestic, which includes attendant care, and day care services authorized by the department of human services under the Social Security Act, as amended, performed by an individual in the employ of a recipient of social service payments.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers' Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
ID	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Exempt from coverage but employer may elect to cover.
IL	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "it appears to." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes ¹
IN	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes," No specific cite in law or classification code(s). Final determination would be based on result of a workers claim appeal decision.	N/A	Yes ¹
IA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "we believe so." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Not when the relative is a member of the household (Code 2003 §85.1. "Member of the household" is defined to be the spouse of the employer or relative of either the employer or spouse residing on the premises of the employer (e.g., parents, brother, sister, child, and stepchild). Staff was not sure if the employer could elect to provide coverage.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers' Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered "Covered" Workers?
KS	No	NCCI codes: 0908, 0909, 0912, 0913	Workers' compensation agency staff reported "yes." No specific cite in law or classification codes. Final determination would be based on result of a workers' compensation claim appeal decision.	N/A	Yes, but K.S.A. §44-404(a)(2) states that any employment, other than those employments stated in statute, wherein the employer had a total gross payroll for the preceding calendar year of not more than \$20,000 for all employees and wherein the employer reasonably estimates that such employer will not have a total gross annual payroll for the current calendar year of more than \$20,00 for all employees, except that no wages paid to an employee who is a member of the employer's family by marriage or consanguinity shall be included in total gross annual payroll of such employer for workers' compensation purposes.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
KY	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
LA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification code(s). Final determination would be based on result of a WC claim appeal decision. ³	N/A	Yes ¹
ME	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes, activities of daily living would be included under the nurse category.” ⁴ No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes, but Title 39-A§102(1)(4) states that the parent, spouse, or child of a sole proprietor, partner, or bona fide owner of 20% of the voting stock may waive in writing all the benefits provided by workers’ compensation.

³ Both OWCA and LA WC Corp staff though that they might represent more risk than what is traditionally considered under 0908-0913

⁴ Staff reported that occasional driving would require a driver standard exception code added to policy. If worker administers medications, he/she is not a domestic servant.

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MD	No	NCCI codes: 0912, 0913	Workers’ compensation staff reported “yes, under code 0913. This includes occasional driving but not medication administration.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
MA	No	NCCI codes: 0908, 0909, 0912, 0913, State specific code 0918 ⁵	Not defined in law but clearly defined in employment classification code 0918.	N/A	Yes ¹
MI	Yes ⁶	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation staff reported “it appears to.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	No ⁷
MN	Yes ⁸ (Household worker)	NCCI codes: 0908, 0909, 0912, 0913	No, MN Statutes 2002 § 176 subd. 9(17) states that a worker who provides in-home attendant care services to a physically disabled person and who is paid by the Department of Human Services for services renders is considered an employees of State and not the person with the disability. ⁹	N/A	Yes ¹

⁵ MA implemented a new domestic service classification code for personal assistance workers – 0918 (See Appendix A).

⁶ Michigan Workers Compensation Act §418.118 (3) A household servant or domestic as used in this act means a person who engages in work or activity relating to the operation of a household and its surroundings whether or not he resides therein.

⁷ Michigan WC Act §118 (1) No household domestic servant shall be considered an employee if the person is a wife, child, or other member of the employer’s family residing in the home, and no household employer shall be deemed a statutory principal within the meaning of section 171 for the purposes of this section.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
MS	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
MO	No	NCCI codes: 0908, 0913	Workers’ compensation agency staff reported “yes under nurse category.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Domestic service workers are exempt, including paid family members, but employers may elect coverage ¹⁰
MT	No	State-specific codes: 0915	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹

⁸ Minnesota Statutes 2002 §176 subd. 21 “Household worker” means one who is a domestic, repairer, groundskeeper, or maintenance in, for, or about a private home for, or about a private home or household, but the term shall not include independent contractors nor shall it include persons performing labor for which they may elect workers’ compensation under §176.041, subdivision 1a.

⁹ Minnesota Statutes 2002 §176 subd. 9 (17) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose. The workers’ compensation language is reflective of the MN Unemployment Insurance Law Section 268.035 Definitions subd. 14(5) that states: “Employer means any of the following.....any nonprofit organization or government agency providing or authorizing the hiring of home workers, personal care attendants, or similar worker whether the organization or agency pays the employee directly or provides funds to the recipient of the service to pay for the services.”

¹⁰ Missouri Revised Statutes §287.030 Employer Defined: (3) Any of the above-defined employers must have five or more employees to be deemed an employer for the purposes of this chapter unless election is made to become subject to the provisions of this chapter as provided in subsection 2 of section 287.090...An employee who is a member of the employer’s family within the third degree of affinity or co-sanguinity shall be counted in determining the total number of employees of such employer. Domestic service workers, including paid family members, are exempt. But household employers may elect workers’ compensation insurance coverage for these workers.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
NE	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported they believe it does regardless of occasional driving. No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
NV	Yes ¹¹	State specific codes: 0001, 0002	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
NH	Yes ¹²	NCCI codes: 0908, 0909, 0912, 0913 ¹³	No ¹⁴	N/A	Yes ¹

¹¹NRS §616B.032 For purposes of determining a homeowner’s insurance policy, “Domestic worker” is a person who is engaged exclusively in household or domestic service performed inside or outside of a person’s residence. The term includes, without limitation, a cook, housekeeper, maid, companion, babysitter, chauffeur or gardener.

¹² RSA §281-A:2 Definitions, V-a “Domestic”, “Domestic employee”, or “domestic worker” means a person performing domestic services in a private residence of the employer, where the employer is an individual, family, local college club, or local chapter of a college fraternity or sorority and not an agency or other entity engaged in the business of providing domestic workers to the public and the person is not defined as an independent contractor under RSA 281-A:2, V-b (a) “Domestic labor” or “domestic services” means the performances of such duties as housekeeping, childcare, gardening, handy person work, and serving as a companion or caregiver for children or others who are not physically or mentally infirm.

(b) “Domestic labor” or “domestic services” shall also include the services rendered by paid roommates or live-in companions who provide fellowship, care, and protection for persons who because of advanced age, or physical or mental infirmity cannot care for their own needs, regardless of whether the paid roommate or companion is employed by an agency or entity other than the person using such services

¹³ The state uses NCCI classification codes for domestic service but they do not match the statutory definition of domestic service.

¹⁴ A person with a disability can not classify their personal assistance worker under domestic service but state insurance department staff could not say what classification the personal assistance worker would fall under.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
NJ	No	NCCI codes: 0912, 0913	Workers’ compensation agency staff reported “yes but a worker who does occasional driving should be considered as an “out-servant.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
NM	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “it appears to.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
NY	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
NC	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	Yes	Yes ¹
ND	No	State specific codes: 9002	Yes, personal assistance workers are specifically cited in classification code 9002. ¹⁵	N/A	No. A spouse or child under the age of 22 of an employer are not considered to be an employee. ¹⁶
OH	No	State specific codes: 8989	Workers’ compensation agency staff reported “it appears to.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹

¹⁵ Domestic service classification includes “those individuals performing home help services or providing personal assistance or home care for persons who are convalescent, aged, or acutely or chronically ill or disabled.

¹⁶ North Dakota Century Code 65-01-02. Definitions (17)(b)(3) For purposes of this paragraph and section 65-07-01, “child” means any legitimate child, stepchild, adopted child, foster child, or acknowledged illegitimate child. But employers may elect coverage by obtaining an optional policy, standard policy not available. Premium for optional policy is the maximum rate for the rate class.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
OK	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes if working for a household employer in and around a residence.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	An employer with five or less employees, all of whom are related by blood or marriage to the employer, will be exempt from the Workers’ Compensation Act. ³
OR	Yes ¹⁷	State specific codes: 8989	Workers’ compensation agency staff reported “it appears to.” No specific cite in classification code 8989 to home health workers.” Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
PA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes but not sure how to handle occasional driving.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision. ¹⁸	N/A	Yes ¹

¹⁷ ORS 656.026(1) A worker employed in or about a private home. For the purposes of this subsection, “domestic servant means any worker engaged in household domestic service by private employment contract, including, but not limited to, home health workers.”

¹⁸ Pennsylvania State Workers’ Insurance Fund reported that domestic service is not just “maids.” It also includes “a person hired by another person to work inside the home.” Representative from SWIF stated that this includes working for a disabled person in their home, doing their laundry, helping them with personal needs, making them meals, etc.” In *Viola v. Workmen’s Compensation Appeals Board*, 549A. 2d 1367, 121 Pa. Commw. 47 (1988) the court found that the worker’s duties were related solely to the unique needs of the disabled individual rather than the needs of the household and the duties were similar to a nurse aide and did not include household duties and held that the worker was not an exempt domestic servant.

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
RI	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
SC	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
SD	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
TN	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation staff reported “yes, as long as the worker is not professionally trained.” No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Yes ¹

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
TX	No	State specific codes: 0913, 0923	Workers’ compensation agency staff reported “yes as long as working for household employer.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision. ¹⁹	N/A	Yes ¹
UT	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported, “yes,” but, when there is driving involved, the worker would have to be classified in the highest rating class.(0909 or 0912). No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
VT	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes,” but, if the PCA drives at any time, then the employer is required to provide coverage. No specific cite in law or classification codes. Final determination would be based on result of a WC claim appeal decision.	N/A	Members of the employer’s family dwelling in his house are not considered to be employees. However, if their wages or salaries are included in the payroll upon which the WC premium is based then such persons are deemed employees and compensated accordingly. . ²⁰

¹⁹ Department of Insurance staff reported that as long as they were working for a household employer, personal care workers would fall under the domestic service classification.

²⁰ Vermont Statutes §601(4)(D).

Table 7: Inclusion of Domestic and Personal Assistance Service Workers And The Treatment of Family Members As Covered Workers In Workers’ Compensation Laws By Jurisdiction

Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
VA	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
WA	No	State-specific codes: 6510-00	Workers’ compensation agency staff reported “yes,” however unclear. There is a classification code 651-00 Chore Services, that includes many of the tasks performed by personal care workers. However, the code states its for “establishments” that provide these services and not household employers hiring their workers directly. Final determination would be based on result of a WC claim appeal decision.	6511-00 (Chore Services – the definition reflects many of the tasks performed by a personal care worker, however, the employer is an establishment rather than a household employer.	Yes ¹

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Jurisdiction	Is Domestic Service Defined in Law?	Is Domestic Service Defined by Classification Code(s) (List Codes)?	Are Personal Assistance Workers Included in Definition of Domestic Service?	If Not, How are Personal Assistance Workers Classified?	Are Family Members Considered “Covered” Workers?
WV	No	State specific codes: 8828	Workers’ compensation agency staff reported “yes.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹
WI	No	NCCI codes: 0908, 0909, 0912, 0913	Workers’ Compensation Division has developed a policy that separates personal assistance workers from general “domestics” called “home care provider.” Household employers hiring their own home care providers would fall into the domestic service code for rating purposes. They have not created a separate rating code because they don’t believe the group is large enough to generate reliable loss information. ²¹ Home care providers hired by household employers are exempt from the State’s WC law because the worker’s employment is not in a trade, business, profession or occupation of the employer.	See footnote 18.	Yes ¹
WY	State has mandatory exemption for domestic service.	N/A	N/A	N/A	N/A

²¹ Home care provider tasks include providing primary-care to an individual such as helping walking, bathing, preparing meals and special diets, supervising use of medications and exercise therapy, and other duties commonly associated with the meaning of primary-care gives. Housekeeping duties should be incidental to primary-care duties.

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AS	No	Do not use classification codes per se; develop classification per employer group based on employer-specific information.	No	Determined on an employer-specific basis.	Yes ¹
GU	No	NCCI codes: 0909, 0912, 0913	Workers’ compensation agency staff reported “it appears to.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ²²
NMI	No	NMI does not use codes. Determine on case by case basis.	Workers’ compensation staff reported they would compute a premium for a personal assistance worker on a case-by-case basis.		Yes ¹
NN	N/A	N/A	N/A	N/A	N/A
PR	No	PR specific code: 0912-011	Yes ²³	N/A	Yes ¹
VI	No	VI specific code: 0405	Workers’ compensation agency staff reported “possibly under nurse category.” No specific cite in law or classification codes. Final determination would be based on result of a workers’ compensation claim appeal decision.	N/A	Yes ¹

²² Family members are “covered” if they are hired as a domestic service workers to work in the house of the employer and the worker does not reside in the same household as the employer.

²³ Definition includes “attendants.”

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
AL	Workers' Compensation Division AL Department of Industrial Relations Industrial Relations Building 649 Monroe Street Montgomery, AL 36131 (334) 242-2868 Fax: (334) 261-3143 www.dir.state.al.us/wc.htm	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com AL Department of Insurance 201 Monroe Street Suite 1700 Montgomery, AL 36130 www.aldoi.org	Courts ¹
AK	Division of Workers' Compensation AK Department of Labor & Workforce Development P.O. Box 25512 Juneau, AK 99802-5512 (907) 465-2790 Fax: (907) 465-2797 www.labor.state.ak.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com Workers' Compensation Board AK Department of Labor P.O.Box 25512 M/S 0700 Juneau, Alaska 99802-5512 (907) 465-2790 Fax: (907) 465-2797 www.gov.state.ak.us/boards	Workers' Compensation Board AK Department of Labor & Workforce Development P.O. Box 25512 Juneau, AK 99802-5512 (907) 465-2790 Fax: (907) 465-2797 www.labor.state.ak.us/boards

¹ AI and TN use the State Courts to hear workers' compensation appeals.

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
AZ	Industrial Commission of Arizona 90 West Washington P.O. Box 19070 Phoenix, AZ 85005-9070 (602) 542-4411 www.ica.state.az.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com AZ Department of Insurance 2910 North 44 th Street Suite 210 Phoenix, AZ 85018 (602) 912-8444 www.id.state.az.us	Industrial Commission of Arizona 90 West Washington P.O. Box 19070 Phoenix, AZ 85005-9070 (602) 542-4411
AR	AR Workers' Compensation Commission 324 Spring Street P.O. Box 950 Little Rock, AR 72203-0950 (800) 622-4472, (501) 682-3930 Fax: (501) 682-2777 www.awcc.state.ar.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com AR Insurance Department 1200 W. Third Street Little Rock, AR 77201 (501) 371-2600 (800) 282-9134 www.state.ar.us/insurance	AR Workers' Compensation Commission 324 Spring Street P.O. Box 950 Little Rock, AR 72203-0950 (800) 622-4472, (501) 682-3930

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
CA	<p>State of California Division of Workers' Compensation 455 Golden Gate Ave., 9th Floor San Francisco, CA 94102-3660 (415) 703-4600 www.dir.ca.gov/dwc</p> <p>Department of Industrial Relations Commission on Health and Safety and Workers' Compensation 455 Golden Gate Ave., 10th Floor San Francisco, CA 94102 (415) 703-4220</p>	<p>Workers' Compensation Insurance Rating Board 525 Market Street, Suite 800 San Francisco, CA 94105</p>	<p>Workers' Compensation Appeals Board 455 Golden Gate Ave., Suite 9328 San Francisco, CA 94102-3660 (415) 703-4600 www.dirca.gov/WCAB/wcab.htm</p>
CO	<p>Division of Workers' Compensation 1515 Arapahoe Street Tower 2, Suite 500 Denver, CO 80202-2117 (800) 390-7936, (303) 318-8700 www.coworkforce.com/dwc</p>	<p>NCCI¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com</p> <p>Department of Regulatory Agencies Colorado Division of Insurance 1560 Broadway, Suite 850 Denver, CO 80202 (800) 930-3745, (303) 894-7499 www.dora.state.co.us/insurance</p>	<p>Industrial Claims Appeals Office Workers' Compensation 1515 Arapahoe Street Tower 2, Suite 350 Denver, CO 80202 (303) 894-2378</p>

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
CT	CT Workers' Compensation Commission 21 Oak Street Hartford, CT 06106 (860) 493-1500 Fax: (860) 247-1361 www.wcc.state.ct.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com CT Department of Insurance Property and Casualty Division P.O. Box 816 Hartford, CT 06142-0816 (860) 297-3800 Fax: (860) 566-7410 www.ct.gov/cid	CT Workers' Compensation Commission Compensation Review Board 21 Oak Street Hartford, CT 06106 (860) 493-1500
DE	DE Department of Labor, Division of Industrial Affairs Office of Workers' Compensation 4425 North Market Street Wilmington, DE 19802 (302) 761-8200 http://www.delawareworks.com/division/industaffairs	DE Compensation Rating Board One South Penn Square Widener Building; 6 th Floor Philadelphia, PA 19107 (302) 654-1435 Fax: (215) 564-4328 www.dcrb.com	DE Department of Labor, Division of Industrial Affairs Industrial Accident Board 4425 North Market Street Wilmington, DE 19802 Accident Board

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
DC	DC Department of Employment Services Office of Workers' Compensation 77 P Street, NE, 2 nd Floor Washington, DC 20002 (202) 671-1000 www.does.ci.washington	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com DC Department of Insurance and Securities Regulation 810 First Street, NE, Suite 701 Washington, DC 20002 (202) 727-8000 www.disr.dc.gov	DC Department of Employment Services Office of Workers' Compensation 77 P Street, NE, 2 nd Floor Washington, DC 20002 (202) 671-1000
FL	FL Department of Financial Services Division of Workers' Compensation 301 Forrest Building 2728 Centerview Drive Tallahassee, FL 32399-0680 (850) 488-2514 Fax: (850) 922-6779 www.flfs.com/wc	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com FL Financial Services Commission Office of Insurance Regulation 2000 East Gaines Street Tallahassee, FL 32399-0326 (850) 413-3140 www.fldfs.com	FL Department of Financial Services Division of Administrative Hearings Office of Judges of Compensation Claims P.O. Box 8000 Tallahassee, FL 32314-8000 (850) 487-1911 www.doah.state.fl.us/internet/ www.jcc.state.fl.us/jcc/default.cfm

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
GA	<p>GA State Board of Workers' Compensation 270 Peachtree St, NW Atlanta, GA 30303-1299 (800) 533-0682, (404) 656-3875 Fax: (404) 656-7768 www.ganet.org/sbwc</p>	<p>NCCI¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com</p> <p>Office of the Commissioner of Insurance GA Rating Bureau Property and Casualty Unit 904 West Tower; Floyd Building Two Martin Luther King, Jr. Drive Atlanta, GA 30334 (404) 656-4449 www.gainsurance.org</p>	<p>GA State Board of Workers' Compensation Appellate Division 270 Peachtree St, NW Atlanta, GA 30303-1299 (800) 533-0682, (404) 656-3875 Fax: (404) 656-7768</p>
HI	<p>HI Disability Compensation Division 830 Punchbowl Street, Room 209 Honolulu, HI 96813 (808) 586-9174 Fax: (808) 586-9219 http://dlir.state.hi.us</p>	<p>HI Insurance Bureau² 715 So King Street Suite 320 Honolulu, HI (808) 531-2771 (F) (808) 536-3516</p> <p>HI Office of Commerce and Community Affairs Division of Insurance P.O. Box 3614 Honolulu, HI 96811 www.state.hi.us/dcca/ins</p>	<p>HI Labor & Industrial Relations Appeals Board 888 Mililani Street, Room 400 Honolulu, HI 96813 (808) 586-8600 Fax: (808) 586-8613</p>

² NCCI reports that HI is an NCCI state. However, they have a rating bureau that uses NCCI information to develop rate filings that are reviewed and approved by the HI Division of Insurance.

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
ID	ID Industrial Commission P.O. Box 83720 Boise, ID 83720-0041 (208) 334-6000 www.state.id.us/iic	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com ID Department of Insurance 700 West State Street P.O. Box 83720 Boise, ID 83720-0043 (208) 334-4250 www.doi.state.id.us	ID Industrial Commission P.O. Box 83720 Boise, ID 83720-0041 (208) 334-6000
IL	IL Industrial Commission 100 W. Randolph, Suite 8-200 Chicago, IL 60601 (312) 814-6500 www.state.il.us/agency/iic	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com IL Department of Insurance 320 W. Washington Street James R. Thompson Center Springfield, IL 62767-0001 (217) 782-4515 www.ins.state.il.us	IL Industrial Commission 100 W. Randolph, Suite 8-200 Chicago, IL 60601 (312) 814-6500

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
IN	Workers' Compensation Board of Indiana Government Center South 402 W Washington Street, W-196 Indianapolis, IN 46204 (317) 232-3808 www.state.in.us/workcomp	ID Compensation Rating Burea (ICRB) ³ 5920 Castleway West Drive Indianapolis, IN 50400 (800) 622-4208 (317) 842-2800 (F) (317) 842-3717 IN Department of Insurance 311 W. Washington Street, Suite 300 Indianapolis, IN 46204-2787 (317) 232-2385	Workers' Compensation Board of Indiana Government Center South 402 W Washington Street, W-196 Indianapolis, IN 46204 (317) 232-3808
IA	Iowa Workforce Development Division of Workers' Compensation 1000 East Grand Avenue Des Moines, IA 50319-0209 (515) 281-5387 www.iowaworkforce.org/wc	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com Iowa Insurance Division 330 Maple Street Des Moines, IA 50319-0065 (877) 955-1212	Iowa Workforce Development Division of Workers' Compensation 1000 East Grand Avenue Des Moines, IA 50319-0209 (515) 281-5387

³ NCCI reports that IN is an NCCI state, however, the state has a rating bureau that uses NCCI information to develop rate filings that are reviewed and approved by the IN Department of Insurance.

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
KS	KS Department of Human Resources Division of Workers Compensation 800 SW Jackson St., Suite 600 Topeka, KS 66612-1227 (785) 206-1227 www.hr.state.ks.us/wc	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com The KS Department of Insurance 420 SW 9 th Street Topeka, KS 66612-1678 (785) 296-3071	KS Workers' Compensation Appeals Board 800 SW Jackson; 14 th Floor Topeka, KS 66612-1227 (785) 296-8484
KY	Commonwealth of Kentucky Department of Workers' Claims 657 To Be Announced Avenue Frankfort, KY 40601 (800) 554-8601, (502) 564-5550 www.labor.ky.gov/dwc	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com Commonwealth of Kentucky Department of Insurance 420 SW 9 th Street Topeka, KS 66612-1678 (785) 296-3071 www.doi.state.ky.us	Commonwealth of Kentucky Department of Workers' Claims Workers' Compensation Board 1047 U.S. 127 South, Suite 4 Frankfurt, KY 40601 (502) 564-3070 ex 391
LA	LA Office of Workers Compensation Administration (OWCA) P.O. Box 94040 Baton Rouge, LA 70804-9040 (225) 342-7555 www.laworks.net	LA Bureau of Insurance 1702 N 3 rd Street Baton Rouge, LA 70802 (225) 342-5203	LA Office of Workers Compensation Administration (OWCA) P.O. Box 94040 Baton Rouge, LA 70804-9040 (225) 342-7555

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
ME	ME Workers' Compensation Board 27 State House Station Augusta, ME 04333-0027 (207) 287-3751 www.state.me.us/wcb	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com ME Department of Professional and Financial Regulation Bureau of Insurance #34 State House Station Augusta, ME 04333-0034 (800) 300-5000, (207) 624-8475 www.state.me.us/pfr/ins	ME Workers' Compensation Board 27 State House Station Augusta, ME 04333-0027 (207) 287-3751 www.state.me.us/wcb
MD	MD Workers' Compensation Commission 10 East Baltimore Street Baltimore, MD 21202-1641 (410) 864-5100 www.wcc.state.md.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com MD Insurance Administration 525 St. Paul Place Baltimore, MD 21202 (410) 468-2000 www.mdinsurance.state.md.us	MD Workers' Compensation Commission 10 East Baltimore Street Baltimore, MD 21202-1641 (410) 864-5100
MA	Commonwealth of Massachusetts Department of Industrial Accidents 600 Washington Street, 7 th Floor Boston, MA 02111 www.mass.gov/dia	The Workers' Compensation Rating and Inspection Bureau (WCRIB) of MA 101 Arch Street Boston, MA 02110 (617) 439-9030 Fax: (617) 439-6055 www.wcribma.org	Commonwealth of Massachusetts Department of Industrial Accidents 600 Washington Street, 7 th Floor Boston, MA 02111 www.mass.gov/dia

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
MI	Bureau of Workers' & Unemployment Compensation 7150 Harris Drive P.O. Box 30016 Lansing, MI 48909 (888) 396-5041 www.michigan.gov/bwuc	Compensation Advisory Organization of Michigan P.O. Box 3337 Livonia, MI 48151-3337 (734) 462-9600 www.caom.com	MI Department of Consumer & Industry Services Workers' Compensation Appellate Commission 201 No. Washington Square P.O. Box 30468 Lansing, MI 48909-7968 (517) 334-9719 www.cis.state.mi.us/wkrcomp/wcac
MN	MN Department of Labor and Industry Workers' Compensation Division 443 Lafayette Road St. Paul, MN 55155 (651) 284-5018 or (800) 342-5354 www.doli.state.mn.us	MN Workers' Compensation Insurers Association, Inc. (MWCIA) 7701 France Ave, South; Suite 450 Minneapolis, MN 55435-3200 (952) 897-1737 (F) 952-987-6495 www.mwcia.org MN Department of Commerce Insurance 85 7 th Place East, Suite 500 St. Paul, MN 55101 (651) 297-7161	MN Workers' Compensation Court of Appeals 405 Minnesota Judicial Center 25 Constitution Avenue St. Paul, MN 55155 (651) 296-6526 www.workerscomp.state.mn.us

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
MS	MS Workers' Compensation Commission 1428 Lakeland Drive Jackson, MS 39216 (601) 987-4200 www.mwcc.state.ms.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com MS Insurance Department 1001 Woolfolk State Office Bldg Jackson, MS 39201 (601) 359-3569 www.doi.state.ms.us	MS Workers' Compensation Commission 1428 Lakeland Drive Jackson, MS 39216 (601) 987-4200
MO	MO Department of Labor and Industrial Relations Division of Workers' Compensation 3315 West Truman Blvd P.O. Box 58 Jefferson City, MO 65102-0058 (573) 751-4231, (888) 837-6069 www.dolir.state.mo.us/wc	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com MO Department of Insurance 301 West High Street P.O. Box 690 Jefferson City, MO 65102 (573) 751-4126 http://insurance.mo.gov	MO Workers' Compensation Determinations Review Board P.O. Box 690 Jefferson City, MO 65102-0690 (573) 751-3365 (F) (573) 526-4839

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
MT	MT Department of Labor and Industry Workers' Compensation Regulation Bureau 1805 Prospect Avenue P.O. Box 8011 Helena, MT 59624-8011 (406) 444-2840 http://erd.dli.state.mt.us/workcompregs	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com MT Insurance Department 8400 Helena Ave. Helena, MT 59601 (800) 332-6148	MT Workers' Compensation Court 1625 11 th Avenue Helena, MT 59624-0537 (406) 444-7794 http://wcc.dli.state.mt.us
NE	NE Workers' Compensation Court P.O. Box 98908 Lincoln, NE 68509-8908 (402) 471-6468, (800) 599-5155 www.nol.org/home/wc	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com NE Department of Insurance Terminal Building 941 "O" Street, Suite 400 Lincoln, NE 68508-3639 (402) 471-2201 www.state.ne.us/home/ndoi	NE Workers' Compensation Court P.O. Box 98908 Lincoln, NE 68509-8908 (402) 471-6468, (800) 599-5155 www.nol.org/home/wc

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
NV	NV Division of Industrial Relations 400 West King Street, Suite 400 Carson City, NV 89703 (775) 684-7260 www.state.nv.us/b&i/a/w	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com NV Division of Insurance 788 Fairview Drive, Suite 300 Carson City, NV 89701 (775) 687-4270	NV Division of Industrial Relations Department of Administrative Appeals Officer 400 West King Street, Suite 400 Carson City, NV 89703 (775) 684-7260 www.state.nv.us/b&i/a/w
NH	NH Department of Labor Workers' Compensation Division 95 Pleasant Street Concord, NH 03301 (603) 271-3176 www.state.nh.us/dol/wc	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com NH Department of Insurance 56 Old Suncock Road Concord, NH 03301 (603) 271-7973 www.state.nh.us/insurance	NH Department of Labor Workers' Compensation Division Claims Division 95 Pleasant Street Concord, NH 03301 (603) 271-8318 www.state.nh.us/dol/wc
NJ	NJ Department of Labor Division of Workers' Compensation P.O. Box 381 Trenton, NJ 08625-0381 (609) 292-2414 Fax: (609) 984-2515 www.nj.us/labor/wc	NJ Compensation Rating and Inspection Bureau 60 Park Place Newark, NJ 07102 (973) 622-6014 Fax: (973) 622-6110 www.njcrib.com	NJ Department of Labor Division of Workers' Compensation P.O. Box 381 Trenton, NJ 08625-0381 (609) 292-2414 Fax: (609) 984-2515

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
NM	NM Workers' Compensation Administration P.O. Box 27198 Albuquerque, NM 87125-7198 (505) 841-6000 Fax: (505) 841-6009 www.state.nm.us/wca	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com NM Public Regulation Commission Insurance Division Workers' Compensation Bureau 1120 Paseo De Peralta P.O. Drawer 1269 Santa Fe, NM 87501 (505) 827-3978 www.nmprc.state.nm.us	NM Workers' Compensation Administration Dispute Resolution Bureau P.O. Box 27198 Albuquerque, NM 87125-7198 (505) 841-6000 Fax: (505) 841-6009 NM Court of Appeals
NY	NYS Workers' Compensation Board 100 Broadway-Menands Albany, NY 12241 (518) 474-6670 Fax: (518) 473-1415 www.wcb.state.ny.us	NYS Compensation Insurance Rating Board (NCIRB) 200 E. 42 St. New York, NY 10017 (212) 697-3535 Fax: (212) 972-1393 www.nycirb.org	NYS Workers' Compensation Board 100 Broadway-Menands Albany, NY 12241 (518) 474-6670 Fax: (518) 473-1415
NC	NC Industrial Commission 4319 Mail Service Center Raleigh, NC 27699-4319 (919) 807-2500 www.comp.state.nc.us/ncic	NC Rating Bureau 5401 Six Forks Road Raleigh, NC 27609-4435 (919) 783-9790 Fax: (919) 783-7467 www.ncrb.org	NC Industrial Commission 4319 Mail Service Center Raleigh, NC 27699-4319 (919) 807-2500

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
ND	ND Workers' Compensation 500 Front Avenue Bismark, ND 58504-5685 (800) 777-5033 (701) 328-3800 (Fax) (701) 328-3820 www.ndworkerscomp.com	ND Workers' Compensation 500 Front Avenue Bismark, ND 58504-5685 (800) 777-5033 (701) 328-3800 (Fax) (701) 328-3820 www.ndworkerscomp.com	ND Workers' Compensation 500 Front Avenue Bismark, ND 58504-5685 (800) 777-5033 (701) 328-3800 (Fax) (701) 328-3820 www.ndworkerscomp.com
OH	OH Bureau of Workers' Compensation 30 West Spring Street Columbus, OH 43125-2256 (614) 644-6292, (800) 644-6292 www.ohiobwc.com	OH Bureau of Workers' Compensation 30 West Spring Street Columbus, OH 43125-2256 (614) 644-6292, (800) 644-6292 www.ohiobwc.com	Industrial Commission of Ohio 30 West Spring Street Columbus, OH 43215-2256 (614) 466-6136, (800) 521-2691 www.ohioic.com
OK	OK Department of Labor Workers' Compensation Enforcement Division 4001 N Lincoln Blvd Oklahoma City, OK 73105 (405) 528-1500 www.okdol.state.ok.us/workcomp	NCCI ¹ 901 Pennisula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com OK Insurance Department Property & Casualty Rates Division 2401 NW 23 rd , Suite 28 Oklahoma City, OK 73107 (405) 521-3681 www.oid.state.ok.us	OK Workers' Compensation Court 1915 North Stiles Ave Oklahoma City, OK 73105 (405) 522-8600 www.owcc.state.ok.us

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
OR	OR Department of Consumer & Business Services Workers' Compensation Division 250 Winter Street, NE, Room 27 Salem, OR 97391-3879 (503) 947-7810, (800) 452-0288 Fax: (503) 947-7514 www.cbs.state.or.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com OR Insurance Division 30 Winter Street, NE Salem, OR 97301 (503) 378-4100 www.cs.state.or.us/external/ins	OR Workers' Compensation Board 2601 25 th Street, SE Salem, OR 97302-1282 (503) 378-3308 www.cbs.state.or.us/wcb
PA	PA Department of Labor and Industry Bureau of Workers' Compensation 1171 South Cameron Street, Room 324 Harrisburg, PA 17104-4447 (717) 772-4447	PA Compensation Rating Bureau Widener Building, 6 th Floor One So Penn Square Philadelphia, PA 19107-3577 (215) 568-2371 www.pcrb.com	PA Workmen's Compensation Appeals Board 1171 South Cameron Street Room 305 Harrisburg, PA 17104-2511 (717) 783-7878
RI	RI Department of Labor and Training Division of Workers' Compensation 1511 Pontiac Avenue Building 69, 2 nd Floor Cranston, RI 02920-0942 (401) 462-8100 www.dlt.state.ri.gov/wc	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com RI Department of Business Regulation Division of Insurance 233 Richmond Street Providence, RI 02903 (401) 222-2223	RI Workers' Compensation Court One Dorrance Plaza Providence, RI 02903 (401) 458-5000

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
SC	SC Workers' Compensation Commission 1612 Marion Street Columbia, SC 29201 (803) 896-5800 www.wcc.state.sc.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com SC Department of Insurance 300 Arbor Lake Drive Suite 1200 Columbia, SC 29223 (803) 737-6160 www.doi.state.sc.us	SC Workers' Compensation Commission Judicial Division 1612 Marion Street Columbia, SC 29201 (803) 896-5800
SD	SD Department of Labor Division of Labor and Management Kneip Building, 3 rd Floor 700 Governors Drive Pierre, SD 57501-2291 (605) 773-2291 Fax: (605) 773-4211 www.state.sd.us/dol/dlm	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com SD Department of Revenue Division of Insurance 118 W Capitol Pierre, SD 57501 (605) 773-3563 www.state.sd.us/drr	SD Department of Labor Division of Labor and Management Kneip Building, 3 rd Floor 700 Governors Drive Pierre, SD 57501-2291 (605) 773-2291 Fax: (605) 773-4211

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
TN	TN Department of Labor and Workforce Development Workers' Compensation Division 710 James Robertson Parkway Gateway Plaza, 2 nd Floor Nashville, TN 37243-0665 (615) 532-4812 www.state.tn.us/labor-wfd	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com TN Department of Commerce and Insurance Division of Insurance Davy Crockett Tower, Suite 500 Nashville, TN 37243-0565 (615) 741-6997 www.state.tn.us/commerce	Courts ¹
TX	TX Workers Compensation Commission Southfield Building 4000 S IH-35 Austin, TX 78704-7491 (512) 804-4000 www.twcc.state.tx.us	TX Department of Insurance P.O. Box 149104 Austin, TX 78714-9104 (512) 322-3490, (800) 578-4677 www.tdi.state.tx.us	TX Workers Compensation Commission Southfield Building 4000 S IH-35 Austin, TX 78704-7491 (512) 804-4000
UT	UT Labor Commission 160 East 300 Street South, 3 rd Floor Salt Lake City, UT 84111 (801) 530-6800 www.laborcommission.utah.gov	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com UT Insurance Department State Office Building Room 3110 Salt Lake City, UT 84114-6901 (801) 538-3805 www.insurance.utah.gov	UT Labor Commission Workers' Compensation Appeals Board 160 East 300 Street South, 3 rd Floor Salt Lake City, UT 84111 (801) 530-6800

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
VT	VT Department of Labor and Industry Workers' Compensation Division National Life Building Drawer 20 Montpelier, VT 05620-3401 (802) 828-2286 www.state.vt.us/labind	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com VT Department of Banking and Industry 89 Main Street, Drawer 20 Montpelier, VT 05620-3101 (802) 828-3301 www.bishca.state.vt.us	VT Department of Labor and Industry Workers' Compensation Division National Life Building Drawer 20 Montpelier, VT 05620-3401 (802) 828-2286 www.state.vt.us/labind
VA	VA Workers' Compensation Commission 1000 DMV Drive Richmond, VA 23220 (804) 367-8600 Fax: (804) 367-9740 www.vwc.state.va.us	NCCI ¹ 901 Peninsula Corp Circle Boca Raton, FL 33487 (800) 622-4123 www.ncci.com Commonwealth of Virginia State Corporation Commission Bureau of Insurance Tyler Building 1300 E. Main Street Richmond, VA 23219 (804) 371-9185, (800) 552-7945 www.wcc.state.va.us	VA Workers' Compensation Commission 1000 DMV Drive Richmond, VA 23220 (804) 367-8600 Fax: (804) 367-9740

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
WA	Washington State Department of Labor and Industry Insurances Services Division 7273 Linderson Way, SW Tumwater, WA 98501-5414 (360) 902-5800, (800) 831-5227 www.lni.wa.gov	Washington State Office of the Insurance Commissioner 5000 Capitol Boulevard Tumwater, WA 98501 (360) 725-7080 www.insurance.wa.gov/oic	Board of Industrial Insurance Appeals 2430 Chandler Court, SW P.O. Box 42401 Olympia, WA 98504-2401 (360) 753-9646, (800) 442-0447 (F) (360) 586-5611 www.wa.gov/biia
WV	West Virginia Bureau of Employment Programs Workers' Compensation Division P.O. Box 3824 Charleston, WV 25338-3824 (304) 926-5048, (800) 628-4265 www.state.wv.us/bep/wc	West Virginia WC Fund 4700 MacCorkle Ave, SE Charleston, WV 25304 (800) 628-4265 or (304) 926-5000 www.state.wv.us/bep	Bureau of Employment Programs Workers' Compensation Appeal Board P.O. Box 2628 Charleston, WV 25329-2628 (304) 558-3375 (F) (304) 558-1322 www.state.wv.us/bep/AppBd/default.htm Office of Judges P.O. Box 2233 Charleston, WV 25328-2233 (304) 558-1686 www.state.wv.us/bep/oj

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
WI	WI Department of Workforce Development Worker's Compensation Division Room C100 201 E. Washington Ave Madison, WI 53703 (608) 266-1340 www.dwd.state.wi.us/wc	WI Compensation Rating Bureau P.O. Box 3080 Milwaukee, WI 53201-3080 (262) 796-4540 Fax:(262) 796-4400 www.wcrb.org State of WI Office of the Commissioner of Insurance 125 South Webster Street Madison, WI 53702 (608) 266-3585 (800) 236-8517	WI Labor & Industry Review Commission (LIRC) P.O. Box 8126 Madison, WI 53708-8126 3319 West Beltline Highway Madison, WI 53708-8126 (608) 266-9850 (F) (608) 267-4409 www.dwd.state.wi.us/lirc
WY	Wyoming Workers' Safety and Compensation Division 1510 E. Pershing Blvd Cheyenne, WY 82002 (307) 777-7441 http://wydoe.state.wy.us		State Hearing Examiners or Medical Commission
AS	Workmen's Compensation Commission Office of the Governor Pago Pago, AS 96799 011-684-633-4485		Workmen's Compensation Commission Office of the Governor Pago Pago, AS 96799 011-684-633-4485
GU	Department of Labor Workers' Compensation Commission 108 "E" Street Tiyan, Guam 96913 (671) 647-0150	Guam Insurance Commission Division of Tax and Revenue P.O. Box 2307 GMF, Guam 96921 (671) 475-1816	Department of Labor Workers' Compensation Commission 108 "E" Street Tiyan, Guam 96913 (671) 647-0150

Table 8: Workers' Compensation Administrative, Rating And Claims Appeal Agencies By Jurisdiction

Jurisdiction	Workers' Compensation Administrative Agency	Workers' Compensation Rating Agency	Workers' Compensation Claims Appeal Agency
NN	Workers' Compensation Program P.O. Box 2489 Window Rock, AZ 86515 (928) 871-6389		
NMI	Commonwealth of the Northern Mariana Islands Workers' Compensation Commission P.O. Box 501247 Saipan, MP 96950 (670) 664-8026	Commonwealth of the Northern Mariana Islands Banking and Insurance Office Caller Box 1007 Saipan, MP 96950 (670) 664-3000	Commonwealth of the Northern Mariana Islands Workers' Compensation Commission P.O. Box 501247 Saipan, MP 96950 (670) 664-8026
PR	Industrial Commissioner's Office G.P.O Box 364466 San Juan, PR 00936 (787) 783-3808	PR State Insurance Fund G.P.O. Box 5028 San Juan, Puerto Rico 00936 (787) 767-4681	Industrial Commissioner's Office G.P.O Box 364466 San Juan, PR 00936 (787) 783-3808
VI	Department of Labor Workers' Compensation Division 3012 Vitracco Mall, Golden Rock Christiansted St. Croix, VI 00820-4666 (809) 692-9390	VI Department of Finance Division of Insurance 2314 Kronprindsens Gade St Thomas, VI 00802 (340) 774-450-Sec 9	VI Department of Labor Division of Hearings and Appeals 3012 Vitracco Mall, Golden Rock Christiansted St. Croix, VI 00820-4666 (809) 692-9390

Table 9: Top Twenty Five Commercial Workers' Compensation Insurers (2002)

Insurer Group	2002 Workers' Compensation Insurance Premiums	Percent of Total Premiums
State Compensation Fund of California	\$5,492,547	18.5%
Liberty Mutual Insurance Companies	3,807,507	12.3
American International Group	3,135,134	10.6
Zurich/Farmers Group	2,107,534	7.1
Travelers PC Group	1,533,078	5.1
Hartford Insurance Group	1,495,662	5.0
CNA Insurance Companies	1,438,229	4.8
Kemper Insurance Companies	1,350,448	4.5
Royal & Sun Alliance	1,179,654	4.0
St. Paul Companies	956,767	3.2
Ace INA Group	723,660	2.4
Everest Reinsurance US Group	634,949	2.1
Texas Mutual Insurance Group	609,064	2.0
Zenith National Insurance Group	581,653	2.0
Chubb Group of Insurance Companies	578,267	2.0
HDI US Group	521,154	1.8
WR Berkeley Group	508,514	1.7
Pinnacol Assurance Company	475,328	1.6
Aon Corporation Group	396,575	1.3
Fairfax Financial (U.S.) Group	393,767	1.3
PMA Capital Insurance Group	390,081	1.3
Accident Fund Insurance Company	368,117	1.2
Greater American P&C Group	362,666	1.2
FCCI Insurance Group	341,223	1.1
Old Republic General Group	337,251	1.1

Source: A.M. Best Co, *Best's Review*, August 2003, p.81.

Table 10: State Insurance Funds And Pricing Methods By Jurisdiction

Jurisdiction	State Insurance Fund Competitive or Exclusive	Level of Access for Domestic Service Employers¹	Number of Voluntary Carrier Refusals Need to Access State Insurance Fund²	Is an Agent Required to Access State Insurance Fund?	Competitive Pricing	Administered Pricing
AZ	Competitive	Moderate	None	No		X
CA	Competitive	High ³	None	Optional	X	
ID	Competitive	Moderate	None	Recommended	X	
MD	Competitive	Moderate	None	No	X	
MT	Competitive	Moderate	Two Declination Letters	Recommended	X	
NY	Competitive	Moderate	None	No		X
ND	Exclusive	High	N/A	N/A	N/A	N/A
OH	Exclusive	High	N/A	N/A	N/A	N/A
OR	Competitive	Moderate	None	No	X	
PA	Competitive	High ⁴	None	No	X	
UT	Competitive	Moderate	None	No	X	
WA	Exclusive	High	N/A	N/A	N/A	N/A
WV	Exclusive	High	N/A	N/A	N/A	N/A
WY	Exclusive	None ⁵	N/A	N/A	N/A	N/A
PR	Exclusive	High	N/A	N/A	N/A	N/A
VI	Exclusive	High	N/A	N/A	N/A	N/A

¹ As reported by state agency staff.

² A refusal is documented by obtaining a declination letter.

³ Household employers can only purchase workers' compensation insurance through the State Compensation Insurance Fund (SCIF).

⁴ PA State Workmen's Insurance Fund has the Domestic Service Exemption Policy that is specific to domestic service workers.

⁵ WY does not allow household employers to purchase workers' compensation for their domestic service workers from the State Insurance Fund because they are exempt from the state's workers' compensation law.

Table 11: Residual Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP ¹	Is an Agent/Producer Required to Access ARP?	Market/Insurer of Last Resort (M/ILR)/ Administrator ²	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/Producer Required to Access M/ILR?	Reinsurance Mechanism
AL	Yes/NCCI ³	Two declination letters	Yes	None			NWCRP ⁴
AK	Yes/NCCI	Two declination letters	Recommend	None			NWCRP
AZ	Yes/NCCI	Three declination letters, including one from the State Compensation Fund	Recommend	Yes/State Compensation Fund of Arizona	None	No	NWCRP
AR	Yes/NCCI	Two declination letters	Yes	None			NWCRP
CA	None			Yes/State Compensation Insurance Fund	None	Optional	None
CO	None			Yes/Pinnacol Insurance Company	None	No	None
CT	Yes/NCCI	Two declination letters. For policy renewals, one must be from current carrier.	Yes	None			NWCRP

¹ A refusal is documented through the receipt of a declination letter from an insurance carrier.

² Competitive State Insurance Funds were included in the residual market as a “market/insurer of last resort” since a number of states with competitive state insurance funds also have a assigned risk plan. In addition, some are the residual market in a number of states.

³ NCCI stands for National Compensation Commission

⁴ NWCRP stands for National Workers' Compensation Reinsurance Pool

Table 11: Residual Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP ¹	Is an Agent/Producer Required to Access ARP?	Market/Insurer of Last Resort (M/ILR)/ Administrator ²	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/Producer Required to Access M/ILR?	Reinsurance Mechanism
DE	Yes/Delaware Compensation Rating Bureau	Two declination letters for a new policy. For a policy renewal, one declination letter is required from the current carrier and two other carriers.	Recommended	None			NWCRP
DC	Yes/NCCI	Two declination letters	Yes ⁵	None			NWCRP
FL	Yes/Florida Workers' Compensation Joint Underwriting Association, Inc ⁶	Two declination letters	Yes				None
GA	Yes/NCCI	Four declination letters	Yes	None			NWCRP
HI	None			Yes/Hawaii Employers' Mutual Insurance Company	None	Recommended	None

⁵ Workers' compensation agency staff reported the requirement to use an agent is a barrier to obtaining insurance because the agent has no incentive to process a policy for a household employer because their compensation is low (e.g., \$15-20 administrative fee/policy) and the paperwork burden and cost is significant.

⁶ As the "market of last resort" in Florida, the JUA processes the applications from employers and then assign them to their third party administrator, Travelers Insurance Company, for processing.

Table 11: Residual Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP¹	Is an Agent/Producer Required to Access ARP?	Market/Insurer of Last Resort (M/ILR)/ Administrator²	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/Producer Required to Access M/ILR?	Reinsurance Mechanism
ID	Yes/NCCI	Three declination letters; one from State Fund	Yes	Yes/Idaho State Insurance Fund	None	Recommended	NWCRP
IL	Yes/NCCI	Two declination letters	Yes	None			NWCRP
IN	Yes/IN Compensation Rating Bureau	Three declination letters	Yes	None			NWCRP
IA	Yes/NCCI	Two declination letters	Yes	None			NWCRP
KS	Yes/NCCI	Three declination letters	Yes	None			NWCRP
KY	None			Yes/Kentucky Employers' Mutual Insurance Company	None	Yes	None
LA	None			Yes/LA Workers' Compensation Corporation	None	Yes	None

Table 11: Residual Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP ¹	Is an Agent/Producer Required to Access ARP?	Market/Insurer of Last Resort (M/ILR)/ Administrator ²	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/Producer Required to Access M/ILR?	Reinsurance Mechanism
ME	None			Yes/Maine Employers' Mutual Insurance Company	None	Not required, but recommended	None
MD				Yes/MD Injured Workers' Insurance Fund	None	No ⁷	None
MA	Yes/Workers' Compensation Rating Bureau of MA	Two declination letters	Yes	None			MA Pool
MI	Yes/Compensation Advisory Organization of MI	None	No	None			MI WC Placement Facility
MN	Yes/MN Workers' Compensation Insurers' Assoc.	One declination letter	Yes	Yes/MN State Fund Mutual Company ⁸	None	Yes	MN AR Pool
MS	Yes/NCCI	Two declination letters	Yes	None			MS AR Pool

⁷ MD Injured Workers' Insurance Fund staff reported that agents could act as a barrier to residual market if he/she has no incentive to represent the household employer

⁸ Representative at the organization reported that although they focus on small to medium sized employers they probably would not write a policy for a household employer and that an agent (which is required to access insurance through organization) probably would not approach them with an application, they would go right to the State's Assigned Risk Plan.

Table 11: Residual Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP ¹	Is an Agent/ Producer Required to Access ARP?	Market/Insurer of Last Resort (M/ILR)/ Administrator ²	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/Producer Required to Access M/ILR?	Reinsurance Mechanism
MO				Yes/Travelers Insurance Company ⁹	None	Recommended	Alternative ¹¹
				Missouri Mutual Insurance Company ¹⁰	None	Recommended	N/A
MT	None			Yes/Montana State Fund	Two refusals; one can be a non-renewal of coverage from current insurer	Recommended	None
NE	None			Yes/Travelers Insurance Company	None	No	Alternative
NV	Yes/NCCI	Two declination letters	Yes	None			NWCRP
NH	Yes/NCCI	Two declination letters	Yes	None			NWCRP
NJ	Yes/ NJ Compensation and Rating Bureau	Three declination letters	Yes	None			NWCRP

⁹ Travelers' is the agent, administrator and service carrier for the residual market in MO.

¹⁰ Missouri Mutual Insurance Company was created to provide workers' compensation insurance to small businesses acting as the "default" voluntary carrier in the State.

¹¹ Travelers' Insurance Company assumes all of the risk up to a 100% loss ratio. If the loss ratio exceeds 100%, the balance is spread over all voluntary carriers in the state.

Table 11: Residual Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP¹	Is an Agent/Producer Required to Access ARP?	Market/Insurer of Last Resort (M/ILR)/ Administrator²	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/Producer Required to Access M/ILR?	Reinsurance Mechanism
NM	Yes/NCCI	Two declination letters	Yes	Yes/New Mexico Mutual Casualty Company	None	No	NM AR Pool
NY	None			Yes/New York State Insurance Fund	None	No	None
NC	Yes/ NC Rating Bureau	None	No	None			NWCRP
ND	None			None			None
OH	None			None			None
OK	None			Yes/Compsource OK	None	No	None
OR	Yes/NCCI	One declination letter ¹²	Yes	Yes/SAIF	None	No	NWCRP
PA	None			Yes/State Workmen's Insurance Fund	None	No	None
RI	None			Yes/Beacon Mutual Insurance Company	Recommended	Recommended	None
SC	Yes/NCCI	Two declination letters	Yes	None			Alternative
SD	Yes/NCCI	Two declination letters	Yes	None			NWCRP

¹² A refusal from the SAIF meets requirement.

Table 11: Residual Workers' Compensation Insurance Market By Jurisdiction

Jurisdiction	Assigned Risk Plan (ARP) and Administrator	Number of Voluntary Carrier Refusals Needed to Access ARP ¹	Is an Agent/Producer Required to Access ARP?	Market/Insurer of Last Resort (M/ILR)/ Administrator ²	Number of Voluntary Carrier Refusals Needed to Access M/ILR	Is an Agent/Producer Required to Access M/ILR?	Reinsurance Mechanism
TN	Yes/Aon Risk Services	Two declination letters. For a policy renewal, one must be from current carrier.	Recommended	None			Alternative
TX	None			Yes/Texas Mutual Insurance Co.	None	No	None
UT	None			Yes/Workers Compensation Fund of Utah	None	No	None
VT	Yes/NCCI	Two declination letters	Yes	None			NWCRP
VA	Yes/NCCI	Two declination letters	Yes	None			NWCRP
WA	None			None			None
WV	None			None			None
WI	Yes/WI Rating Bureau	None	No	None			WI WC Insurance Pool
WY	None			None			None
AS	None			None			None
GU	None			None			None
NMI	None			None			None
NN	None for household employers of domestic service workers			None for household employers of domestic service workers			N/A
PR	None			None			None
VI	None			None			None

Table 12: Availability Of Workers’ Compensation Insurance Through Homeowner’s Insurance By Jurisdiction

Jurisdiction	WC Insurance Available Through Homeowners’ Endorsement Option Yes/No	NCCI WC Endorsement Filed For Use ¹ Yes/No	NCCI WC Endorsement Being Used Yes/No	Description of Coverage and Cost
AL	No ²	Yes	No	See footnote 2.
AK	No	Yes	No	N/A
AZ	Yes	Yes	Yes	No specific coverage or rate information available.
AR	No	Yes	No	N/A
CA	Yes	No	No	Section 11590 of the CA State Insurance Code mandates the availability of a WC endorsement for homeowner insurance policies for domestic service workers. Carriers submit their rating for this endorsement to the State’s Department of Insurance for approval. Carriers may modify the WC endorsement and the criteria for coverage (e.g., define number of hours works in order to be covered). The cost of the endorsement varies by carrier.
CO	Yes	Yes	State insurance agency staff could not confirm.	Coverage is for part-time/occasional workers. Insurers can modify endorsement to provide more coverage than insurance law requires. No rate information available.
CT	Yes	Yes	Yes	No specific coverage or rate information available.
DE	No	Yes	No	N/A
DC	Yes ³	Yes	Yes ⁴	No specific coverage or rate information available

¹ NCCI Endorsement WC 00 03 12, Voluntary Compensation and Employers Liability Coverage for Residence Employees, (ed. 4/84) is designed to be used with ISO homeowner’s policies, comprehensive personal liability or other policies that provide similar personal liability coverage. The endorsement provides voluntary compensation and employers liability coverage for domestic workers in a state in which they are not included and cannot be brought within the workers’ compensation law.

² There is no homeowners insurance option but employers, including householders, have the option of buying an Alternative Workers’ Compensation Plan. This is a commercial insurance purchased in the voluntary market consisting of any combination of life, disability, accident, health, or other insurance provided that the coverage insures without limitation or exclusion any of the workers’ compensation benefits as defined in the State workers’ compensation law.

³ But state workers’ compensation agency staff said no insurers write these endorsements.

Table 12: Availability Of Workers' Compensation Insurance Through Homeowner's Insurance By Jurisdiction

Jurisdiction	WC Insurance Available Through Homeowners' Endorsement Option Yes/No	NCCI WC Endorsement Filed For Use ¹ Yes/No	NCCI WC Endorsement Being Used Yes/No	Description of Coverage and Cost
FL	No	Yes	No	N/A
GA	No	Yes	No	N/A
HI	Yes ⁵	Yes	No	No specific coverage or rate information available.
ID	Yes	Yes	Yes ⁶	No specific coverage or rate information available.
IL	Yes	Yes	Yes ⁷	No specific coverage or rate information available.
IN	Yes	Yes	State insurance agency staff could not confirm.	Staff reported some homeowner's insurance policies contain a contingent workers' compensation rider that covers amounts awarded under workers' compensation law. No specific coverage or rate information available.
IA	Yes	Yes	State insurance agency staff could not confirm.	No specific coverage or rate information available
KS	No	Yes	No	N/A
KY	No	Yes	No	N/A
LA	Yes	Yes	Yes	No specific coverage or rate information available.
ME	No ⁸	Yes	No	N/A
MD	No	Yes	No	N/A
MA	No	Yes	No	N/A

⁴ It is on file, but District workers' compensation staff has reported that they don't know of any insurers who write the endorsement.

⁵ State insurance agency staff reported that they do not know of any carrier that writes such an endorsement and believes they would be hesitant to do so.

⁶ Idaho Insurance Department staff reported that only two carriers have ever filed rates for this endorsement.

⁷ IL workers' compensation agency staff reported that they have seen homeowner/renter's policies include WC, they could not confirm whether these policies used NCCI's endorsement per se.

⁸ Maine Division of Insurance staff reported that there is no state law that allows or prohibits the sale of these policies and knows of no insurers that sell them. MEMIC staff reported that this was not an option in Maine.

Table 12: Availability Of Workers' Compensation Insurance Through Homeowner's Insurance By Jurisdiction

Jurisdiction	WC Insurance Available Through Homeowners' Endorsement Option Yes/No	NCCI WC Endorsement Filed For Use ¹ Yes/No	NCCI WC Endorsement Being Used Yes/No	Description of Coverage and Cost
MI	No	Yes	No	N/A
MN	No	No	No	N/A
MS	Yes	Yes	Yes ⁹	No specific coverage or rate information available.
MO	No	No	No	N/A
MT	Yes	Yes	No	No specific coverage or rate information available.
NE	No	Yes	No	N/A
NV	Yes	Yes	No	Title 53, Chapter 616B, Section 32 of the Nevada Revised Statutes permits a private carrier to provide industrial insurance (workers' compensation) as part of a homeowner's policy to a person who employs a domestic service worker. A covered domestic service worker is defined as an individual who is employed more than 20 hours per week or earns \$150/ month if he/she is not employed more than 20 hours per week. Private carriers may, with the approval of the commissioner, determine and fix the premium rates.
NH	Yes ¹⁰	Yes	Yes	Title XXII, Section 281-A:6 of the New Hampshire Insurance law mandates that all insurance companies authorized to provide comprehensive personal liability, tenant's or homeowner's insurance must, provide workers' compensation insurance covering domestics. \$3.00 rider for homeowners' policies provides coverage for incidental domestic service workers.

⁹ Staff indicated that though this option exists, few if any insurers write such policies. In addition, the state allows insurers to modify the NCCI endorsement.

¹⁰ Title XXIII Section 281-A:6 requires that all insurance companies authorized to provide comprehensive personal liability, tenant's or homeowner's insurance in NH, must, in connection with such insurance, provide workers' compensation insurance for domestics unless the employer has a separate policy for worker's compensation covering domestics. However, this option is not available to persons with disabilities who hire persons to provide chore and personal supports because they can not consider their workers under the state's definition of domestic service (Title XXIII, Section 281-A:2 V-b(a)). he/she can not consider his/her worker a domestic service worker and the homeowner's policy would not apply to them.

Table 12: Availability Of Workers' Compensation Insurance Through Homeowner's Insurance By Jurisdiction

Jurisdiction	WC Insurance Available Through Homeowners' Endorsement Option Yes/No	NCCI WC Endorsement Filed For Use ¹ Yes/No	NCCI WC Endorsement Being Used Yes/No	Description of Coverage and Cost
NJ	Yes ¹¹	No	No	PL 1979, c.380 mandates the provision of comprehensive personal liability (workers' compensation) coverage for domestic service on every homeowner's or tenant's policy. Coverage is for occasional workers and the premium is \$1.00/policy /year. Employers must inform their carrier if they employ one or more full-time domestic service workers. Premium for full-time domestic coverage is \$1 + \$60 for each full-time worker employed/policy/year.
NM	State insurance agency staff could not confirm.	Yes	No	N/A
NY	Yes ¹²	No	No	NY Insurance Law @3420(j) requires that every insurance policy that provides comprehensive personal liability insurance on a one-, two-, three- or four-family owner-occupied dwelling, make available compensation coverage for employees who work less than 40 hours in and about the residence if, and only if, they are employees for whom compensation insurance must be provided. Premium information not available.
NC	No	Yes	No	N/A
ND	Yes	No	No	No specific coverage or rate information available.
OH	No	No	No	N/A
OK	No	Yes	No	N/A

¹¹ State mandates that all homeowners insurance policy must include an endorsement to cover workers' compensation insurance for occasional domestic service workers.

¹² The homeowner's insurance option does not cover occasional workers who are exempt from the State's workers' compensation law. Occasional domestic service workers are exempt from the State's workers' compensation law and so would not be covered under the homeowner's provision.

Table 12: Availability Of Workers' Compensation Insurance Through Homeowner's Insurance By Jurisdiction

Jurisdiction	WC Insurance Available Through Homeowners' Endorsement Option Yes/No	NCCI WC Endorsement Filed For Use¹ Yes/No	NCCI WC Endorsement Being Used Yes/No	Description of Coverage and Cost
OR	No	Yes	No	N/A
PA	No	Yes	No	N/A
RI	No	Yes	No	N/A
SC	No	Yes	No	N/A
SD	Yes	Yes	Yes	No specific coverage or rate information available.
TN	No	Yes	State insurance agency staff could not confirm.	N/A
TX	No	No	No	N/A
UT	No	Yes	No	N/A
VT	No	Yes	No	N/A
VA	Yes	Yes	No	No specific coverage or rate information available.
WA	No	No	No	N/A
WV	No	No	No	N/A
WI	No	Yes	No	N/A
WY	No	No	No	N/A
AS	Yes	No	No	No specific coverage or rate information available. Household employer must request that the workers' compensation insurance endorsement be added to his/her homeowner's insurance policy.
GU	No	No	No	N/A
NMI	Yes	No	No	No specific coverage or rate information available.
NN	No	No	No	N/A
PR	No	No	No	N/A
VI	No	No	No	N/A

Table 13: Issues And Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration Of Workers’ Compensation Systems And Providing Insurance For Domestic And Personal Assistance Service Workers By Jurisdiction

Jurisdiction	Issues and Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration of Workers’ Compensation Systems And Providing Insurance For Domestic and Personal Assistance Service Workers by Jurisdiction
AL	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Insurance carriers in the voluntary market may not always be willing to write policies for household employers.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
AK	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • Medical costs have increased around 15 percent a year for the past 15 years. • The insurance industry in Alaska, as well as the general population, is not very large, making it difficult to spread risk. • The size of claims have continued to escalate, as have the length of time between the start of proceedings and eventual ruling. • It is difficult for household employers to purchase workers’ compensation insurance through the voluntary market. • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
AZ	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Carriers have little financial incentive to write workers’ compensation insurance policies for small employers (domestic employers) due to small premiums and perceived high risk exposure.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
AR	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Insurers do not have any financial incentive to write workers’ compensation insurance policies for household employers due to small premiums and perceived high risk exposure.” “The voluntary market for domestic service employers is ‘non-existent.’” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
CA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “The only way to provide workers’ compensation insurance for domestic service employees outside of a homeowners’ insurance policy is through the residual market (SCIF).”

Table 13: Issues And Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration Of Workers’ Compensation Systems And Providing Insurance For Domestic And Personal Assistance Service Workers By Jurisdiction

Jurisdiction	Issues and Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration of Workers’ Compensation Systems And Providing Insurance For Domestic and Personal Assistance Service Workers by Jurisdiction
	<ul style="list-style-type: none"> • “Workers who are hired by their spouse, parent or child may never be covered by workers’ compensation insurance either through the residual market or through a homeowners’ policy.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
CO	Issue/challenge reported, “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
CT	Issues/challenges reported: <ul style="list-style-type: none"> • “Carriers have little financial incentive to write workers’ compensation insurance policies for small employers (domestic employers) due to small premiums and perceived high risk exposure.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
DE	Issues/challenges reported: <ul style="list-style-type: none"> • “The residual workers’ compensation insurance market has grown substantially for all employer/worker classifications over the past five years with the tightening of the voluntary workers’ compensation insurance market. It is difficult for any employer to get workers’ compensation insurance through the voluntary market.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
DC	Issues/challenges reported: <ul style="list-style-type: none"> • “Workers’ compensation premiums for domestic service employers are small and agents/producers do not have any incentive to write and submit applications to carriers because the agent only get \$15-20 per policy. Agents feel they don’t receive enough to cover cost of paperwork.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
FL	Issues/challenges reported: <ul style="list-style-type: none"> • “Insurers have no incentive to write workers’ compensation insurance policies for household employers due to small premiums and perceived high risk of exposure. The voluntary market for domestic service employers is ‘non-existent’.”

Table 13: Issues And Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration Of Workers’ Compensation Systems And Providing Insurance For Domestic And Personal Assistance Service Workers By Jurisdiction

Jurisdiction	Issues and Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration of Workers’ Compensation Systems And Providing Insurance For Domestic and Personal Assistance Service Workers by Jurisdiction
	<ul style="list-style-type: none"> • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
GA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Insurers do not have a strong incentive to write workers’ compensation insurance policies due to the small premiums, significant level of paperwork and perceived high risk of injury.” • “Employers who wish to access the residual market must obtain <i>four</i> refusals from voluntary insurers.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
HI	<p>Issue/challenge reported:</p> <ul style="list-style-type: none"> • “A significant challenge is educating domestic service employers of their responsibility to provide workers’ compensation insurance coverage for their workers.”
ID	<p>Issue/challenge reported: “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”</p>
IL	<p>Issue/challenge reported: “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”</p>
IN	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “The process of obtaining workers’ compensation insurance is complicated, the premiums are expensive, and private insurers are reluctant to write individual workers’ compensation policies for such a limited class.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
IA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Private insurers are hesitant to write new workers’ compensation insurance policies for any category in the current economic climate.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”

Table 13: Issues And Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration Of Workers’ Compensation Systems And Providing Insurance For Domestic And Personal Assistance Service Workers By Jurisdiction

Jurisdiction	Issues and Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration of Workers’ Compensation Systems And Providing Insurance For Domestic and Personal Assistance Service Workers by Jurisdiction
KS	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Insurers are hesitant to write new workers’ compensation insurance policies in the current insurance climate. • “Very few domestic employers have ever purchased workers’ compensation insurance in Kansas so it is difficult to make a fair assessment of the situation/risk.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
KY	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “It is virtually impossible for household employers to obtain coverage in the voluntary market.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
LA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “It is difficult to have workers’ compensation rates be affordable and keep claims at a level acceptable to private insurers.” • “Private insurers may not be willing to write policies for employers with only 1-3 employees so household employees may need to access workers’ compensation insurance through the residual market that costs more.” • “It is unclear what class personal assistance workers fall under in Louisiana.” “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.” • There might be a higher risk of injury for personal assistance workers than for “traditional” domestic workers so the 0908-0913 NCCI classes may not always be appropriate.
ME	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Maine Employers’ Mutual Insurance Company (MEMIC) has experienced significant losses related to household employers who have purchased workers’ compensation for domestic service workers.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”

Table 13: Issues And Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration Of Workers’ Compensation Systems And Providing Insurance For Domestic And Personal Assistance Service Workers By Jurisdiction

Jurisdiction	Issues and Challenges Reported By State Workers’ Compensation Agency And Insurance Carrier Staff Regarding The Administration of Workers’ Compensation Systems And Providing Insurance For Domestic and Personal Assistance Service Workers by Jurisdiction
MD	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Agents/producers might not have an incentive to represent some small businesses, such as household employers, due to significant paperwork burden and associated costs and low administrative fees. An agency/producer could act as a barrier to the workers’ compensation insurance market.” • If agent/producer does not know workers’ compensation insurance issues, this could be a barrier to accessing insurance for the household employer and possibly be more costly. • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
MA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Per capita-based premiums are problematic because it is difficult to estimate the number of workers working at the consumer’s residence at any given period of time due to significant worker turnover. This type of premium represents a high level of administrative effort and expense for the insurer and the consumer-employer.” • “Per payroll-based premiums cover all workers in the class working at the residence thus reducing the administrative burden and possibly the costs for the insurer and the consumer-employer. However, the per payroll method could under estimate the risk of worker injury for the insurer (e.g., if a household employer has one worker with a payroll of \$10,000, and is replaced by two workers at the same payroll amount, the potential risk of injury is more for two workers than one but the premium may not fully reflect the increase). • “It is important that the employment classification code accurately reflects the risk of workplace exposure for the group. The domestic service classes 0908 and 0913 (part-time and full-time in-servants) do not accurately reflect the activities of personal assistance workers. That is why MA developed and implemented Class 0918 for personal assistance workers.” • It is important to find a way to streamline the administrative process for writing, renewing and invoicing workers’ compensation policies for large numbers of household employers (e.g., that may be enrolled in a self-directed support service program). A Fiscal Employer Agent (FEA) can facilitate these activities and MA FEAs do. For example, Atlantic Charter bulk invoices the FEAs (e.g., one bill issued by insurer to FEA that represents all of the policies for the consumers that the FEA represents) can reduce administrative paperwork and related expenses.”

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	<ul style="list-style-type: none"> • “There may be a minimum number of household employers that a voluntary carrier would need to write policies for in order provide the insurer with an adequate financial incentive to write workers compensation policies for this classification group.” The MA insurance agent for the MA Personal Care Attendant Program reported a minimum number might be 3,600 polices that reflect \$1.3 million in premiums. The MA Program served approximately 10,000 consumer-employers in 2002. • So far claims have been low. In 2002, Atlantic Charter received approximately \$2.5 million in premiums, processed 68 claims and paid out \$200-300,000 in benefits to injured workers. • This year was the first year that the State Rating Bureau had a significant database on losses for classification code 0918 to determine rates. It was anticipated that the rates for code 0918 would go down. Instead they went up \$0.10. The should be Rating Bureau should be asked to demonstrate how they computed a rate increase for 0918 with such good loss experience information available to them. • “It is important that the insurer receive Wage Statements from employers that accurately report 52 weeks of wages prior to a worker’s injury so that the insurer can compute accurate benefits payments. Consumer-employers in self-directed support service programs need to rely on the FEA to complete the Wage Statements and submit them to the insurer and FEA staff need to be aware of the importance of accurate and timely Wage Statements.” • Unlike other employment groups, personal assistance workers often work part-time for more than one employer. A personal assistance worker who has one or more concurrent employers must report all employment to the insurer in order for the worker to receive the proper workers’ compensation benefit if he/she is injured. To count in wage calculations, the concurrent employer must have workers’ compensation insurance and not pay the worker ‘under the table.’” This is not an issue in MA since all personal assistance workers have employment taxes filed for them by the FEA and all consumer-employers have workers’ compensation insurance coverage. FEAs can facilitate the collection of wages from concurrent employers for personal assistance workers.”
MI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Private insurers do not have a financial incentive to write workers’ compensation insurance policies for household employers.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”

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MN	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “The voluntary workers’ compensation insurance market in MN is “hard.” Insurance carriers are very particular regarding what groups they write policies for. The residual market has grown substantially from \$20 – 30 million over the past couple of years.” • Individuals who have a disability and receive public assistance can not be considered the employer in MN according to State Unemployment laws.
MS	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “The voluntary insurers do not have an incentive to write policies for household employers because, one large claim can exceed the premiums collected from a domestic service employer.” • “Insurers who write homeowners’/renters’ insurance policies are reluctant to write endorsements for workers’ compensation coverage for domestic service workers.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
MO	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Workers’ compensation insurance rates in the State are high, despite the presence of a competitive market.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
MT	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “It is difficult to verify that the household employees are only performing the duties they’re supposed to under the classification.” • “There have been very few claims from domestic service workers, making it difficult to compile meaningful data. • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”

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NE	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Voluntary insurance carriers appear to be limiting what worker/employer classification codes they are willing to write policies for. More employers are obtaining workers’ compensation insurance through the residual market.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
NV	<p>Issues/challenges reported.</p> <ul style="list-style-type: none"> • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
NH	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Classification codes for domestic service workers do not match the statutory definition.” • “Employers are statutorily obliged to provide workers’ compensation coverage for domestic service workers, but there does not appear to be a classification code for domestic service workers who work for persons with disabilities.” • “The voluntary market for household employers is ‘non-existent.’” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
NJ	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • The insurance agent that is facilitating the workers’ compensation insurance policies for the NJ Personal Preference Program reported that getting consumers to renew their policies on a regular basis is problematic and represents a lot of work for agency staff that is not reflected in the consumers’ premiums. They given notice to the State that they will no longer be the insurance agent for the Program. Fiscal Employer Agents should be responsible for the renewal process on behalf of the consumer-employer. • “Voluntary insurers are not willing to write policies for household employers due to small premiums and perceived high risk of exposure.” • In the three years that the Personal Preference Program has been serving consumer-employers (approximately 500), there have been no workers’ compensation claims filed. • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”

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NM	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “The voluntary market is not willing to write policies for personal assistance workers. The market is ‘non-existent’ for household employers.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
NY	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Insurance carriers do not ‘deal’ with the domestic service classification very often. State agency has not received any issues/challenges from insurers regarding the classification.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
NC	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Carriers are increasingly reluctant to write policies for small employers in high risk categories like domestic service workers.” • “The voluntary market is ‘non-existent’ for household employers.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
ND	No issues/challenges reported.
OH	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Occasional users of domestic services should not be allowed to avoid tort liability at a cost unfairly low for the employer and, because of low premiums, unreasonably high to the State workers’ compensation insurance system.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”

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OK	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Voluntary workers’ compensation insurance market is tightening for all classifications and insurers are less willing to write policies for domestic service employers. More employers are accessing insurance through the residual market.” • “Workers’ compensation premiums for domestic service employers are small. One claim can ‘eat up’ all of the premium that the insurer receives, and in some cases, an insurer may never recover the full cost of the claim through the receipt of premiums.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
OR	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “In the case of foster care providers, if a home health agency has five or fewer clients registered with the Department of Human Services at a foster care site, the agency does not have to provide workers’ compensation insurance for the workers. Agency can have a chain of foster care sites and not have to provide insurance. This is problematic for workers and a concern of the State and labor unions. There has been proposed legislation to address this issue but it hasn’t gotten anywhere.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
PA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • The State Workmen’s Insurance Fund (SWIF) staff reported that the Workmen’s Compensation Appeals Board was not interpreting the definition of domestic service correctly in the Viola case. “Domestic service is not just a maid. It also includes working for a disabled person in their home, doing laundry, cleaning and meal preparation and helping them with personal needs.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
RI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Voluntary workers’ compensation insurance market getting very “tight” for all employers. Not many insurers are offering credits.”

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	<ul style="list-style-type: none"> • “Insurance carriers do not immediately think about domestic service employers since they are exempt from the workers’ compensation law.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
SC	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Figuring out if the worker is an employee or an independent contractor is a big issue related to classifying workers in the State.” • “Voluntary insurers are less willing to write policies for household employers due to small premiums. State is seeing more household and other small employers coming to the residual market to obtain workers’ compensation insurance coverage.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
SD	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Insurance carriers are increasingly apprehensive about writing new workers’ compensation insurance policies especially for small/household employers. As a result, the number of employers accessing insurance through the residual market has been on the rise in recent years.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
TN	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Determining who is a domestic service worker and who is not. Generally, professionally trained individuals are not considered domestic service workers.” • “Some domestic service employers are involved in other business activities that include employees and they may have domestic service workers work in both areas. This needs to be clarified in all cases where it applies.” • Voluntary insurance carriers are reluctant to cover domestic service employers due to small premiums and perceived high risk of exposure.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”

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TX	Issue/challenge reported: “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
UT	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
VT	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Voluntary insurers concerned about the potential risks for worker injury related to domestic service workers.” • “Insurers are also worry about the administrative burden and expense of writing policies, managing renewals and processing claims for 1,000 small household employers with what insurers consider low premiums and moderate to high potential risk of injury.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
VA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • The State Workers’ Compensation Agency considers domestic service workers as independent contractors, contrary to IRS’ position. They also said they don’t think workers’ compensation premiums are high. • “Voluntary insurers have a problem writing policies for small employers (1-3 workers). Premiums are low but risk of worker injury is high.” • “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”

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WA	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Workers’ compensation insurance rates are going up for all employer/worker classifications but State Fund has been able to remain solvent.” • “Small domestic service premiums do not always cover losses and could jeopardize the solvency of the Fund.” • “State uses per hours worked-based premiums rather than per capita or per payroll. This method more accurately predicts the risk of injury (e.g., more hours worked the greater the possibility of workplace injury) while reducing the administrative burden and costs for employers and the State Fund.” • “The final status of a personal assistance worker for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”
WV	<p>Issue/challenge reported: “The final determination of whether a personal assistance worker falls in the domestic service classification code for workers’ compensation purposes can only be determined based on the results of a claim appeal decision.”</p>
WI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • Personal assistance services are not considered domestic service by the State’s workers’ compensation division or the WI Labor & Industry Review Commission. They are called home care providers. However, for rating purposes, home care providers hired by a household employer are rated under the 0908 and 0913 domestic service code. “The pool of employers under that hire personal assistance workers is not large enough to generate adequate loss information need to develop workers’ compensation insurance rates for this group of employers.” • Under Section 102.07(4)(a) of the State’s workers’ compensation law, domestic service specifically exempt from the State’s workers’ compensation law and home care providers hired by household employers are exempt because the home care provider is not in the trade, business, profession or occupation of the employer. Household employers may elect to cover both types of workers under the law, and “we wish that all employers would.” “We particularly would like to see the Department of Family Services cover individuals enrolled in the self-directed personal assistance programs the counties are currently operating.” • Workers’ compensation insurance used to be affordable (e.g., in the \$200/policy range). It has gone up significantly in the past few years. Now it is expensive and the per capita approach used to estimate rates can result in significant premiums for individuals who hire multiple personal assistance workers.”

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WY	No issues or challenges reported except for the fact that domestic service workers may not elect to purchase workers' compensation insurance for their domestic service workers including personal care workers.
AS	Issue/challenge reported: "Making sure that employers obtain the required coverage. There are at least 800 employers in the jurisdiction and Northern Pacific Insurance (NPI) writes 80 percent of the policies. However, NPI only manage 260 policies currently. The Government needs a full time inspector to make sure employers are obtaining the required insurance."
GU	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • "Not having enough staff to administer the jurisdiction's workers' compensation insurance act, in particular, not having enough inspectors to make sure that employers have the proper coverage for their workers." • Workers' Compensation Agency staff does not know of a case where a household employer has purchased workers' compensation insurance for their domestic worker. • "The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision."
NN	Issue/challenge reported: a household employer may not purchase workers' compensation insurance through the Nation. Household employers must buy workers' compensation insurance policies from an AZ voluntary carrier or through the State's residual market.
NMI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • "Obtaining accurate reporting of domestic service workers' actual duties and hours worked. Classification code may not always reflect the actual duties performed or hours worked." • Workers' Compensation Agency staff does not know of a case where a household employer has purchased workers' compensation insurance for their domestic worker.
PR	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • "Getting employers to obtain the correct amount of workers' compensation insurance. Many have only the minimum policy of \$65/year (which is the premium when you do not have employees but want coverage if you do) and have a lot of workers." • "The legislature is considering passing legislation that would allow housewives to be covered for workers' compensation insurance through the State Fund. The initiative has not been successful to date."

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VI	<p>Issues/challenges reported:</p> <ul style="list-style-type: none"> • “Getting employers to obtain the proper level of coverage for their workers. Very few household employer elect to cover their domestic service workers.” • “The final status of a personal assistance worker for workers' compensation purposes can only be determined based on the results of a claim appeal decision.”

Links to Report PDF Files

REPORT FILE

Accessible at <http://aspe.hhs.gov/daltcp/reports/paswork.pdf>

Flanagan, Susan A. *Accessing Workers' Compensation Insurance for Consumer-Employed Personal Assistance Service Workers: Issues, Challenges and Promising Practices*. June 7, 2004.

TABLES FILE

Accessible at <http://aspe.hhs.gov/daltcp/reports/pasworktables.pdf>

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APPENDIX FILE

Accessible at <http://aspe.hhs.gov/daltcp/reports/pasworkappend.pdf>

APPENDIX A: Domestic Service Worker Classification Codes By Jurisdiction

APPENDIX B: NCCI Workers' Compensation And Employer Liability Insurance Policy WC 00 03 12 (Ed 4-84): *Voluntary Compensation And Employers Liability Coverage For Residence Employees Endorsement*

APPENDIX C: Workers' Compensation Law Case Digests By Jurisdiction